

Backbenchers hail 'silver lining' after Major's gaffe

By Philip Webster, Political Editor

TORY MPs yesterday found some consolation in the tabloid battle to disclose the private utterances of John Major. As they left Westminster for their holidays, senior Tories reflected that the revelation of the more human side of the prime minister, showing him slipping easily into swear-words and self-questioning, could help him his alleged "image" problem.

With disaster looking inevitable in tomorrow's Christchurch by-election, the Tories were seeking whatever comfort they could from the tribulations of recent months which culminated in defeat on the Maastricht social chapter and descended into bathos with the disclosures of Mr Major's "bastards" indiscretion.

Some MPs felt Mr Major's plain-speaking might help him demolish the "grey man" reputation that he so dislikes. "After one hell of a week the prime minister has shown robust and pretty steady views and one must applaud him for that," Sir Giles Shaw, an executive member of the backbench 1922 committee, said.

Downing Street refused to comment on "private conversations" but officials close to the prime minister conceded that these could do him "a power of good".

Mr Major's asides will not have amused the three unnamed cabinet ministers whom he bracketed with backbench "bastards" spreading poison about his leadership. The prime minister is expected to try to defuse the tension with a joke when the cabinet meets tomorrow.

Mr Major's tougher side was also evident in the disciplinary action taken against Rupert Allason, the only Tory to fail to vote for him in Friday's confidence motion. Richard Ryder, the chief whip, told Mr Allason, the MP for Torbay, in a letter that the Tory whip was being withdrawn until he had demonstrated "clear and consistent

support for the government". The spy-novel writer's future in effect lies in the hands of his constituency party, clearly displeased that he had taken himself off to an undisclosed destination.

Tony Newton, the Leader of the Commons, reported yesterday that parliament had had a "highly productive" session with over 30 acts put on to the statute book. In spite of 40 days of debate on Maastricht the government had successfully moved ahead with its programme.

The mood is less sanguine on the backbenches. Maastricht has given the parliamentary party and the potential for future conflict was clear from the letter to Mr Major from the Positive European Group giving a warning against any special treatment for the anti-federalists.

The overwhelming majority of Tory MPs do not believe the party is ready for another leadership contest. They want Mr Major to do well and believe that he can as the economy improves. Christchurch is largely discounted, although a big defeat could hammer morale. And if the government does not soon show signs of recovery, Mr Major's future will again be under question.

Telephone watchdogs have given two newspapers 24 hours to stop a service allowing callers to hear Mr Major's "bastards" comments, recorded without his knowledge after an interview with ITN. The Independent Committee for the Supervision of Standards of Telephone Information Services, advised in yesterday's *Daily Mirror* and *Sun*, should be shut down immediately. It said the services appeared to be an "unreasonable invasion of privacy" and in breach of its code of practice.

Parliament, page 8
Peter Brookes
and Diary, page 14



Lib Dems prepare to rout Tories

By Nicholas Wood
Chief Political Correspondent

Margaret Thatcher's singleminded approach is fondly remembered by many of the Tory defectors in Christchurch

JOHN Major's leadership moved to centre stage in the Christchurch by-election campaign yesterday as the opposition parties launched fierce attacks on his performance.

Paddy Ashdown, the Liberal Democrat leader, whose party is on course for victory in the previously safe Conservative seat, said that Mr Major had "made appeasement into an art form".

Responding to further disclosures of Mr Major's off-the-record lament about his predicament, the Liberal Democrat leader said the "virulent contagion" of the Tory civil war reached into the heart of the cabinet and was paralysing the government. Margaret Beckett, Labour's

deputy leader, predicted that a humiliation tomorrow would hasten Mr Major's demise.

But William Waldegrave, Chancellor of the Duchy of Lancaster and the citizen's charter minister, strongly defended the prime minister, saying there would be no challenge to his leadership and denying that there was a fifth column in the cabinet.

When "push had come to shove" in last week's tense cabinet debates about how to outflank the Euro-rebels, Mr Major had brushed aside talk of delay, seized the initiative and been proved right. "The prime minister said, 'Come

on, that's not the way to handle this. Put the thing fair and square before the House and we will win.' He did. He judged right," Mr Waldegrave said.

Rob Hayward, the Tory candidate in Christchurch, was again on the defensive on the penultimate day of campaigning, admitting that he had heard criticism of Mr Major from former Tory voters. A letter of support from Baroness Thatcher, which Mr Hayward read out at his morning press conference, only served as a reminder of the leadership question.

Disgruntled voters voiced

their dislike of Mr Major during Mr Hayward's visit to a garden centre later. Leonard Richards, 68, said he was defecting to the Liberal Democrats after backing the Tories since the Maastricht era. "Mr Major is not strong enough, and he proved himself to be an out-and-out liar when he said there was no deal with the Ulster Unionists. I don't agree with going into Maastricht and they [the Tories] refer to the recession as if it's nothing to do with them."

"You cannot compare him to Mrs Thatcher. She was a strong leader even if we did not always agree with her."

Bridget Jux, another pensioner and Tory defector, said: "I am surprised at his bad language. He doesn't have the personality to be leading the country. I wish Mrs Thatcher was here again."

Iraq sale wrong, says FO man

By Chris Elliott

A SENIOR Foreign Office official yesterday admitted that the export of £37 million of British machine tools that equipped two Iraqi munitions factories just before the Gulf war should never have been allowed to go ahead.

Mr Ian Blackley, the assistant head of the Middle East department for two years until October 1988 was giving evidence to the last public hearing of the Scott enquiry before the autumn.

Mr Blackley admitted that intelligence reports and a factory employee had warned the government that the tools, made by three British companies including Matrix Churchill, were to be used for the munitions factories but it was decided to let the machines go. Ministers and officials decided that although their export broke supposedly stringent guidelines restricting exports to

Iran and Iraq the effect on the firms would have been "catastrophic", if they had not completed the contracts.

However, he said that had the real purpose of the equipment and the decision to let it go leaked out, the exports would have been stopped immediately.

The decision was taken by the ministerial interdepartmental committee (IDC) which regulated exports at an emergency meeting in January 1988. Presided by both Lord Justice Scott and the judge's counsel, Miss Presley Baxendale QC, Mr Blackley said: "If we were starting from the beginning on the export licence issue then the IDC would have come to the conclusion that the machine tools should not have gone."

Mr Blackley gave evidence all day yesterday. He confirmed that in December 1988 the foreign secretary, Sir

Geoffrey Howe, now Lord Howe, approved a relaxation in the export guidelines to Iraq but did not want the decision circulated. He feared a public outcry at a time when the Iraqis were gassing Kurds. In a note attached to a minute Mr Blackley wrote that it was important to wait until "the cloud passes".

He told the enquiry he was unaware that any country was used as a diversionary route for prohibited goods to Iraq.

Despite his responsibility for checking prohibited goods he also said he was unaware of a specialised unit at the Department of Trade and Industry which had similar responsibilities in vetting contentious licence applications.

Miss Baxendale said: "I find it quite extraordinary that you didn't know of its existence." Mr Blackley said it was a failure of the liaison mechanism.

CBI seeks rate cuts to spur faltering exports

Continued from page 1
survey of more than 1,000 businesses concluded that the recovery was still extremely slow and patchy. The government is in danger of fooling itself if it believes certain encouraging indicators point to strong recovery," he said. "We have a long way to go. The most urgent action which large sections of industry want to see is a government-led national industrial strategy to rebuild our manufacturing base."

The CBI survey, covering 1,346 companies, showed the highest level of new orders in the past four months since 1990, but bosses expect slower growth in the next quarter and the confederation predicted that a further 40,000 manufacturing jobs would be cut before the Budget.

Output in manufacturing appears to have grown far more slowly than official figures suggest, with only 2 per cent more firms reporting a rise in the past quarter than experienced a fall. Sixty-three per cent of firms are still working below capacity. Business confidence has increased for the third survey in a row, but the rate of improvement in confidence has slowed. Howard Davies, CBI director general, said: "In the last few months the export outlook has deteriorated. That is clearly a matter of concern for the sustainability of the recovery."

The Treasury acknowledged that the outlook in Europe was clouded but, in its latest monthly monetary report, highlighted positive signs of the economy such as recent rises in factory output, higher retail sales and the fall in unemployment.

Stock market, page 24
Danger signs, page 25

Socialite duchess dies in her sleep

By Joe Joxers

MARGARET, Duchess of Argyll, a socialite who was as famous for her quiet beauty as for her noisy affairs, died in her sleep, aged 80, on Sunday night in a London nursing home.

A charmed life that had been spent at the glitziest balls, at the swankiest dinner tables, even in the lyrics of Cole Porter's song *You're the Top*, frayed into a pinched existence when she was forced to leave the penthouse suite in London's Grosvenor House Hotel that she had made her home.

Largely estranged from her family, unable to pay the £33,000 she owed in back rent to the hotel, and chased by her bank for a £26,000 overdraft, the duchess was forced to find new quarters three years ago. But a series of strokes chipped away at her health.

The duchess earned her first sheaf of newspaper cuttings in 1930, when she became debutante of the year and the most snapped woman in Britain. Affairs with Prince Aly Khan, the young Max Aitken, and the 7th Earl of Warwick created news. Her wedding in 1933 to Charles Sweeney, an American stockbroker, attracted hysterical crowds outside Brompton Oratory.

In 1951, she married the 11th Duke of Argyll, but by late 1959, the duchess's life had again swung from sedate to sensational when her husband began divorce proceedings. In charging her with "multiple adultery", he cited Baron Sigismund von Braun, a German diplomat; John Coltrane, an American advertising executive; Peter Combe, a former press officer for the Savoy Hotel; and an unnamed man who appeared naked with the duchess in two Polaroid snaps.

She often complained she was more sinned against than sinning. "I can look after myself quite well, but I don't go around with a hammer wanting to hurt people," she said recently. "I don't want to hurt anyone — except about five people."

Obituary, page 17

MATTHEW PARRIS
POLITICAL SKETCH

Gloomy fare for a captive audience

Benches at the Commons are covered in green leather of the type often used to cover car seats. Like the benches in a London taxi, the leather is sewn into panels: long, narrow strips, stuffed.

The Speaker's chair itself is covered in this way. Its occupant sees, mounted into a sort of dashboard immediately before her, a clock: a small digital display of the illuminated liquid crystal type, with a flashing colon. The figure displayed keeps notching up, unit by unit, an ever-increasing figure. The view from the chair is thus curiously similar to what confronts the passenger in the back of a London cab.

And, like the occupant of a taxi, the occupant of the Speaker's chair is trapped. They do not actually look at a passenger is locked into the cab) but only because they do not need to: she is effectively a prisoner, the only person in the chamber who cannot nip out for a cigarette, fresh air, or to escape the debate. The debate stops without her.

Yesterday, the last sitting day before the summer recess, was devoted to "adjournment debates". These are a series of short debates, in each of which a backbencher with a problem to air, an opinion to offer, or a bee in his or her bonnet, is able to make the case as best he can while the House (which consists of these people) listens. Though the responsible minister is there to respond, the MP's remarks are addressed to the Speaker.

There she sits, forced to listen to all this, sense and nonsense alike, pretending to be interested, while the flashing digital display clocks up the damage: 240; 250; 300...

The comparison with the wretched passenger of a London taxi, eyes glazing over as the opinions and prejudices of the fellow at the wheel pour out in an unstoppable flow, is irresistible. What's more, just like a passenger, the Speaker is rarely allowed a word in edgewise.

First into the passenger

seat of the Commons cab yesterday was not, in fact, Betty Boothroyd, but one of the deputy speakers, Geoffrey Lofthouse. At the wheel just after breakfast was a new cabbie, and — unusual either for a cabbie or an MP — a woman. Cheryl Gillan (C. Chesham and Amersham) wanted to offer a piece of her mind, gov, on the subject of adoptions. Why couldn't adoptive mums who are GPs get maternity leave?

Somewhat in the manner of *Our Tune* on Radio 1, but without the soppy music, Mrs Gillan told of Estelle, who became a doctor, fell in love, and was wed in September 1978. Tragically, tiny feet never patterned. Then, gushed Mrs Gillan, when all hopes were lost, "a miracle happened! Imagine Estelle's joy when she and her husband were approved as parents for adoption!"

In the back of the cab, Mr Lofthouse smiled, indulgently. But Gillan was only just getting into her stride. To Estelle's horror, the application for maternity leave as a GP was rejected. Why? Gillan read out a real cracker from the department of health where a GP becomes pregnant, "there are clear physical and medical reasons why the woman GP should be away from her practice during the confinement". Er, yes.

Well, Mr Deputy Speaker (gov), said Gillan, there were reasons why the new mum of an adopted baby needed time off, and she was going to list them. Lofthouse tapped his fingers on his armrest and glanced at the meter, but Mrs Gillan had more to say.

Much more, as it turned out. Still, good for her! She had a point, her constituent had a case, and Mr Deputy Speaker had no escape.

I looked in again after lunch. Madam Speaker herself was in the cab. And who should be at the wheel, but that scourge of the toffs, and cabbies' friend, Mr Ken Livingstone. He had a thing or two to tell the chair about corruption in Brent.

And you don't have that Betty Boothroyd in the back of your cab every day.

Police find clothes of murdered boy

Clothes belonging to Akhlaq Ahmed Razzaq, the nine-year-old killed in Slough at the weekend, were found by police frogmen yesterday yards from the scene of the murder. The bundle had been dropped in a fast-running stream which skirts Salt Hill Park, where the boy's naked and battered body was found.

Det Supt Michael Short of Thames Valley police said: "We have found his shoes, a jumper and a pair of jeans that his parents have identified as his. Clearly it is a vital find." It also emerged yesterday that another young boy was attacked and almost strangled in the park a week before Akhlaq was murdered. Amer Qureshi, 13, managed to escape the clutches of a group of thugs who grabbed him outside the park toilets, when his younger brother and two cousins raised the alarm.

Test case delayed

The test case claim by a mother suing a childminder for damages after her son was shaken so violently when he was six months old that he ended up blind and brain damaged was adjourned in the High Court yesterday. Cora Dowling, 33, of Ashford, Middlesex, had sued Christine Walton, her husband Martin and Surrey County Council.

Frost wins damages

The television magnate Sir David Frost won "substantial" libel damages in the High Court yesterday. Mr Justice Drake was told that allegations of banking fraud concerning BCCI appeared on the front of the *Sunday Mirror* in February. Colin Myler, editor, and reporters Chris House and Tim Wilcock fully accepted there was no truth in them.

T Dan Smith dies at 78



T Dan Smith, the disgraced former leader of Newcastle upon Tyne council, has died aged 78 after a suspected heart attack. Mr Smith, left, was jailed for six years in 1974 in connection with the corruption scandal surrounding the architect John Poulson. He collapsed on Monday night at his home in Newcastle. He died in hospital as he was being prepared for surgery.

Obituary, page 17

£45m heroin haul

Police seized heroin with a street value of £45 million yesterday in their biggest haul of the drug. Twenty officers from Merseyside police raided a house in Walton, Liverpool, and found two bags containing 55 kilograms of the drug. Five people were arrested, and a 29-year-old man was charged with possessing drugs with intent to supply.

99-year-old woman died from burglar's beating

Continued from page 1
residential home covered in blood. Hampson went to his girlfriend's home.

The court was told that his clothes were washed, but blood of the same type as Mrs Burke's was found on his neck-chain and on furniture at his girlfriend's home. After his arrest Hampson admitted attacking Mrs Burke, telling police he had hit her a couple of times with his fist, but that he had not intended to kill or seriously injure her.

After being found guilty of murder, Hampson also admitted a charge of burglary committed in the town before his attack on Mrs Burke, and asked for 64 other offences to be taken into consideration. He was jailed for three years for those offences.

It was disclosed last night that two care assistants at the residential home have been sacked. Patricia Nymman, 58, and Rose Hamblly, 55, lied to police and tried to cover up because they had not carried out scheduled checks on Mrs Burke.

Both were accused of gross misconduct and sacked by Cornwall County Council. The women lost an appeal against the dismissals.

The two women were on



Cowardly crime: Hampson, left, brutally battered Sarah Burke, 99, right, as she lay in her bed and left her dying



duty when Hampson broke into the home. Mrs Hamblly had worked at the home for 24 years and Mrs Nymman for 14 years.

The two were sacked after barrister Robin Miller carried out an independent enquiry into security at all County Council homes.

An assistant officer on duty at the home was also sacked but won his appeal, said Nigel Druce, the social services director. However, the officer

has now been moved away from the home. He had been responsible for security and had failed to lock the front door of the home and secure the window in Mrs Burke's room.

The enquiry revealed that Mrs Burke was found in her blood-soaked bed at 6.45am on December 20. However, police were not called until 9.30am.

The report also said that the night staff had lied when they

maintained they had inspected Mrs Burke at midnight and 3am and filled-in report sheets.

Mrs Leverton said yesterday: "I do not think it would have made any difference to her life if she had been found sooner. But we could have been with her in hospital that night."

"She had a lot of unnecessary suffering and would have been comfortable in hospital earlier," Mrs

Leverton added.

The county council has already replaced all 60 windows at the home and is to spend a further £326,000 on improving security at all its homes.

Mike Nicholls, the social services chairman, said: "We cannot construct fortresses. We have to rely on the vigilance and integrity of staff."

New guidelines have also been issued to staff and there will be regular spot checks.

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THE TIMES WEDNESDAY JULY 28 1993

'Highwaywoman' who threatened to cry rape is jailed

By PAUL KELBIE

A MODERN highwaywoman who preyed on male motorists by blackmailing them with false accusations of rape was jailed for three years and nine months by an Old Bailey judge yesterday.

Jacqueline Padmore, 25, of Brixton, south London, lured drivers to her aid late at night by claiming to be lost, cold and tired. Once inside their vehicles, Padmore demanded money and threatened to scream rape if her victims refused.

After an Old Bailey jury found the mother-of-three guilty of blackmail and assault, it was revealed she had four similar previous convictions. "It is every man's nightmare. Her victims were terrified," a police officer told the court.

Jan Burden, 28, told the court how Padmore, a crack cocaine addict, almost choked his eye out and nearly crashed his car after he gave her a lift on January 28, three weeks after being released from prison.

Mr Burden, a construction worker, said Padmore approached him in Brixton. "She said it was urgent. I was very hesitant, but it was a cold day and I just felt sorry for her."

Once inside the car, Padmore suddenly demanded money. "I said, 'get out of the car'. She refused point blank. I leant across her and opened the door and said, 'Get out of the car now'. Her response was, 'If you don't give me my money I will scream rape'. I tried to push her out of the car. She had hold of the steering wheel and put her foot up on the dashboard.

"I turned towards her, her finger came towards me and

poked me in the eye. I was panicking. I was absolutely scared stiff," Mr Burden said. Padmore then grabbed the steering wheel and attempted to crash the vehicle, but he was able to control the car and force her out.

Padmore tried the tactic in an almost identical attack on April 21. Alan Grever, 35, who has since suffered a stroke, was approached by Padmore, who spent up to £80 a day on drugs, as he got into his car. She pleaded with him for a lift, claiming she had to get to a nearby address urgently.

Peter Moss, for the prosecution, told the court: "The journey began and the defendant said she was not going to get out of the car unless he gave her some money. Then she began to scream and kick at the windscreen and became



Padmore: tried to blackmail motorists

quite hysterical. At some stage he realised his wallet had been removed by her.

"She was holding it, saying if he didn't give her money she could make him suffer and say he had attacked her in the car. Mr Grever, not surprisingly, was very frightened by this. He said he was not going to give her any money."

Padmore demanded he withdraw money from a cashpoint machine and when he came back empty-handed she "went berserk".

Mr Grever drove straight to Tooting police station, but as he ran to get help Padmore leapt out of the car with the wallet. She was caught by the police after a chase.

Joe Barry, for the defence, urged the judge not to take into account Padmore's previous convictions, arguing they were not so similar. But Judge Capstick said he was adding six months because of that aggravating feature.

He told Padmore: "You took advantage of the vulnerability of two entirely innocent men. You blackmailed them when they were trying just to help you. No doubt these men will never show kindness to anyone again." He sentenced Padmore to two-and-a-half years for the blackmail of Mr Burden and one year for assaulting him causing actual bodily harm. She also received three years for blackmailing Mr Grever and one year for theft of his wallet. The sentences are to run concurrently.

She was also jailed for an additional nine months for stealing £400 from a pensioner who invited her in for a cup of tea last year.

Leading article, page 15

Police hunt killer of 'devoted' couple

By JOHN YOUNG

THE bodies of a farmer and his wife, described as a devoted, hard-working couple, were discovered early yesterday at their isolated home on the edge of the Vale of Glamorgan.

Harry and Megan Tooze, who owned a seven-acre fruit farm near the village of Llanharan, Mid Glamorgan, were the victims of an apparently motiveless murder. Det Supt Colin Jones, head of South Wales serious crime squad, described the killings as "gruesome and macabre".

Home Office ballistics experts were called in to examine the couple's wounds, believed to have been caused by a shotgun at close range. "As yet there is no motive for their killing in this brutal way," Mr Jones said. "Their injuries are some of the worst I've seen."

The alarm was raised after the couple's daughter, Cheryl, 34, a laboratory assistant who lives in Oryington, southeast London, failed to get an answer to her nightly telephone call and asked a neighbour to check. He found the 700-year-old farmhouse empty and contacted police.

The body of Mr Tooze, 67, was found in a cowshed. His wife, 65, was discovered further inside the building, partly hidden by farm machinery. They were fully clothed.

Det Supt Jones said his officers had not found anything missing from the farmhouse in their initial search. "It is a very isolated location,

but we are appealing for help from anyone who may have seen anything suspicious."

One neighbour said he saw a man driving out of the dirt-track road leading to the farm on Monday night. "He seemed to be covering his face."

Bryn John, 70, who lives a quarter of a mile away, said yesterday: "They worked hard all their lives and never did any harm to anyone. It has numbed us to realise how they died."

Mary Austin, 65, a cousin of Mrs Tooze, said the couple were frightened after a shotgun was stolen in a break-in. She said: "Megan loved that farmhouse. It was her family home going back generations. She was born there, and the farm was her world. They just loved running their fruit business. Harry doted on Megan ever since they were childhood sweethearts."



Mrs Tooze: farm was her world

Lady Foster in tears at High Court

By RICHARD DUCE

LADY Foster broke down in tears at the High Court yesterday as she was questioned about her personal life and why she had waited more than a year before taking legal action against allegedly hostile customs officers.

The Pakistan-born wife of Sir Norman Foster, a leading architect, explained that she had endured the break-up of her marriage after the incident in November 1990.

Lady Foster told Robert Seabrook QC, for Customs and Excise, that she married Sir Norman after her divorce in 1991 from Andrew Knight, who is executive chairman of News International, publisher of The Times.

Lady Foster, of Battersea, south London, said the separation and divorce had been civilised. "It was a very painful time. It was not a crude divorce. I can't say any more."

The judge ordered a brief adjournment as Lady Foster cried in the witness box. She was comforted by her husband and her daughter, India Langmead, who is also suing Customs and Excise for false imprisonment and slander by imprisonment over the incident at Heathrow airport.

Mr Seabrook earlier told how Lady Foster's solicitors had complained about her treatment at the airport. Customs and Excise replied in March 1991, but nothing more was heard from her lawyers until April 1992.

Holy syndrome hits tourists

By RUTH GLEDHILL

TOURISTS travelling to Israel this summer should be alert to the dangers of "Jerusalem syndrome", a psychiatric phenomenon which strikes visitors with no previous history of mental illness.

Sufferers often believe they are Christ or the Jewish Messiah, and that they have been summoned to the city by God. According to a Channel 4 documentary, a dozen new cases are recorded each month.

Residents of Jerusalem are becoming used to increasing numbers of tourists who hire a white donkey to ride through the old city or who start singing or strip naked to purify themselves.

A special police branch has been formed to deal with the affliction, which can strike as a visitor walks from one end of the city to

the other, and from which recovery can be swift.

People of all religions are affected. Some tourists return home apparently suffering no adverse effects. Others end up in prison or are deported. Between 50 and 200 people are hospitalised each year for the syndrome, also called Jerusalem fever.

In three weeks recently, seven cases were treated in the Kir Shaul psychiatric hospital. The hospital director, Dr Carlos Bar-El, said they included a Jewish boy from Canada who thought he was Samson, a Roman Catholic from Brazil, a boy from the United States and a man from Spain.

One patient, a Lutheran from Finland, interviewed for the documentary series Witness, said he believes God is talking to him in his

language from the sky above Jerusalem. "In Finland I felt I lost my God."

Ali Qleibo, an anthropologist, said visitors could be disorientated. "Religious symbolism drowns everything else in Jerusalem. We are surrounded by excessive churches, synagogues, mosques. This disorients them and they become the characters that have lived in Jerusalem — they become Jesus, they become King David."

Victor Wadawanka, chief inspector in the tourist police, said the syndrome showed itself around the main Jewish, Christian and Muslim festivals. He said: "It's very difficult to know when the Jerusalem syndrome ends and criminal actions begin."

The six-part Witness series begins on August 12.



Court winner: Tim Pitt sued for breach of contract



Lost dream: the thatched house in Suffolk on which the Pitts were gazumped

Court backs gazumped buyer

By JAMES LANDALE

GAZUMPING could become a thing of the past after a man successfully sued a company that agreed to sell him a house but later sold to a higher bidder.

In a decision which lawyers say will set a precedent for the future of house-buying, the Court of Appeal said that a written agreement between two parties for the sale of a house at an agreed price constituted a binding contract. Previous practice held that nothing was binding until the final exchange of contracts.

Tim Pitt, 41, of Chelmsworth, Suffolk, made a final offer of £200,000 for a 300-year-old,

three-bedroom thatched cottage in the village in September 1991. The deal to buy the house from PHH Asset Management, of Swindon, Wiltshire, was agreed by fax. It read: "We confirm our instructions to continue with the sale to Mr Pitt for the sum of £200,000, subject to the exchange of contracts within 14 days of receipt of draft contracts."

Mr Pitt, who is married with two teenage children, put his house on the market and arranged an architect to draw up plans for the new property. On the day he handed over the contracts, he was told that someone else had bid £10,000 more and that he would have to match

it. "I refused to deal on that basis and the house went to the other buyer," Mr Pitt said yesterday. "I knew I was taking a big risk by suing the vendors for breaching their contract with me, but I was so angry that I felt it was a matter of principle."

Colchester County Court, Essex, agreed that the "lock-out agreement" was binding. Its decision was upheld by the appeal court on June 29. Mr Pitt has been awarded damages and costs.

Stephen Abbley, managing director of PHH Asset Management, said that the case set an alarming precedent. "Instead of 'buyer beware', the principle now appears to be 'seller beware'."

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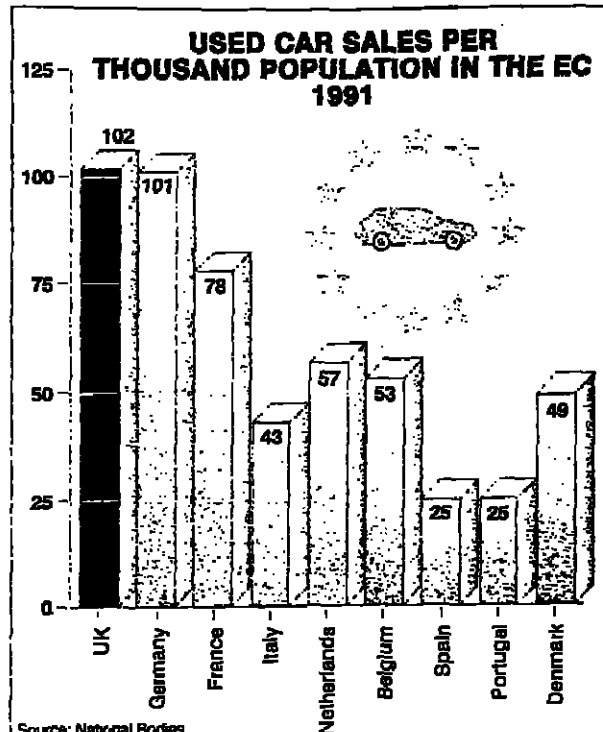
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Britons drive a hard bargain and cut car sales by £4bn

BY KEVIN EASON
MOTORING CORRESPONDENT

A review of new and used car sales reveals the extent to which the recession affected the nation's buying habits in 1991-2

BRITAIN has become a nation of second-hand car owners as the value of the car market has fallen by more than £4 billion in two years. Britons own fewer cars than their counterparts in Germany, France or Italy.

As sales of new cars dropped by 20 per cent from 1990 to 1992, sales of used cars rose from 99 per thousand people to 102 — the highest ownership of second-hand cars in the EC.

According to a report for ADT Auctions, Britain's biggest motor auctions group, published today, the main car in 74 per cent of households last year came from a used car forecourt, compared with 65 per cent in 1990.

Cars being bought were also

older: models less than two years old made up 15.2 per cent of all used sales in 1991, last year that share dwindled to 11.8 per cent. But those over nine years old improved their share of the market from 31.7 per cent to 35.9 per cent.

The review of car sales in 1992 underlines the impact that falling sales during the worst years of the recession had on the value of the new car market. Sales of more than 2 million cars in 1990 were worth £19 billion, while the worst margin between the two sectors since records were started in 1988.

Used car sales last year remained relatively buoyant at 5.5 million, worth £15.6 billion, less than £1 billion less than the value of the entire new car market and the narrowest margin between the two sectors since records were started in 1988.

Car manufacturers were probably their own worst enemies during the recession. Their desperation to "move metal" and keep assembly lines running forced them to sell cars at big discounts to rental fleets, where they were kept for a short time and then sent to used forecourts.

The report says the result was a flood of nearly new cars at attractive prices which probably attracted customers away from new models.

ADT says that many motor dealers have been forced to fall back on used car sales to stay in business as sales and profits on new cars dwindled almost to nothing.

Ford, Britain's biggest motor company, highlights the turmoil suffered by manufacturers desperately seeking sales: it cut prices of new cars three times in 1992. With special car tax abolished at the end of 1992, the company put

up prices at the start of this year but cut them by an average 6 per cent again in April. The result is that a Ford Fiesta 1.1LX at £8,335 is still £324 cheaper today than it was in October 1991.

The knock-on effect of redundancies and company closures is also graphically illustrated by ADT. Of company car users surveyed, 16 per cent said they had given up their new model because they were made redundant. Half of those who replaced their lost company car did so with a second-hand model.

And one in five could not afford a replacement at all. Rover has been testing the technology which helps Torado fighter pilots spot aircraft: defying the UN no-fly ban over Bosnia. The radar warning system is being adapted to stop drivers crash-

ing their cars. Rover stressed that the system, provided by its parent company, British Aerospace, is at its earliest stage but that it could prove effective.

Engineers believe that a small radar system could give drivers warning to take evasive action if they are speeding towards another vehicle, debris on the road, pedestrians or straying animals.

The company said: "This is the sort of technology which eventually could become as much a part of the car as a radio or air conditioning. There is a lot to be done, but we can see that this sort of early warning system would be an invaluable aid, particularly in poor weather conditions when drivers need all the help they can get to be sure they are not running into trouble."

Whitehall resounds with battle cries as MI6 turns on critics

BY PETER TAYLOR

A BRUISING round of Whitehall in-fighting has broken out between the spymasters of MI6 and the Foreign Office mandarins over who makes the best use of taxpayers' money.

Following the report of the Commons foreign affairs committee, which claimed that £45.5 million spent on refurbishing the new MI6 headquarters had been "buried" in Foreign Office accounts, the intelligence community reacted with acerbity yesterday to suggestions that it was spendthrift. Reliable intelligence

sources even revealed the size of the MI6 operating budget — £150 million a year — to demonstrate that it was "peanuts" compared with the Foreign Office budget of £730 million a year, which includes £550 million of operating costs.

The managers of MI6, known formally as the Secret Intelligence Service (SIS), are particularly irritated by MPs making comparisons between the cost of refurbishing their new headquarters in Vauxhall and the amount of money available for overseas aid.

They believe the Foreign Office has been trying to depict the overseas intelligence operation as an extravagant waste of funds. Intelligence officers feel this is a bit rich considering that the Foreign Office has just spent £100 million refurbishing its own Whitehall offices.

The Foreign Office justified the expense, saying it was spread over 18 years. It also admitted privately that criticism of the SIS by the foreign affairs committee was misplaced. The secret service did not choose its new headquarters, but was forced into the move in a complicated game of Whitehall musical chairs in the late 1980s.

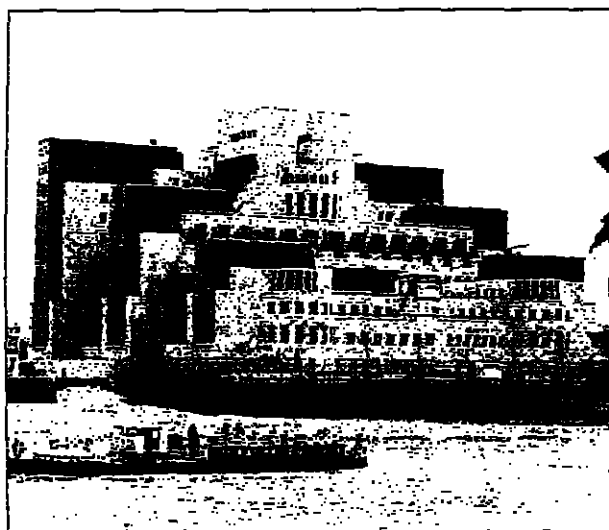
The SIS has been equally irritated by the claim that £45 million set aside for fitting out the new offices in 1993-4 cost almost as much as Britain planned to spend on foreign aid to emergency aid and disaster relief.

It claims that the refurbishment is running at 10 per cent under budget. Air-conditioning vents and sprinkler systems have had to be removed and replaced with bug-proof ducts. Other security precautions include bomb-proof walls and wet and dry moats, partly disguised as fountains. Windows and a large verandah have also had to be sealed, but sources said that only the minimum number of alterations had been made.

The total cost has been estimated at £85 million, but such capital funds are authorised directly by the Treasury and any savings cannot be used for other purposes. The intelligence community feels that the introduction by MPs of the "red herring" of aid to war-torn countries is Foreign Office mischief making.

The Foreign Office, founded at the end of the 18th century, has always looked down on MI6, established in 1906. It has been traditional to hide some of MI6's costs in Foreign Office accounts, but the new climate of "openness" seems likely to result in a restructuring of the format. The traditional antipathy — so severe that some ambassadors will hardly speak to SIS operatives abroad — continues unabated.

With the Foreign Office also under cost-cutting pressure to close some embassies and scale down others, there is intense competition for available funds. "Babylon-on-Thames", as the diplomats privately refer to MI6 headquarters, is a thorn in the mandarins' flesh.



Source of complaint: MI6's new headquarters

Eavesdroppers get no access to spy HQ

BY NICK NUTTALL, TECHNOLOGY CORRESPONDENT

PART of the huge refurbishing budget for the Secret Intelligence Service's Vauxhall Cross building may have been spent to line rooms with lead and install copper-tinted windows.

Sensitive computer systems carrying data on spying operations and counter-intelligence can be vulnerable to electronic eavesdropping from vans and individuals with equipment that picks up electromagnetic waves.

The best protection is to place computers behind metal-impregnated windows and in lead-lined rooms or lead boxes. Paul Carratu, managing director of Carratu International, a corporate investigation agency based in London, said yesterday that computers could be made more secure still with silicon casings.

Tinted windows also help to minimise the chances of SIS

staff being photographed. Experts believe staff access to different parts of the building will be controlled by fingerprint and voice and facial image recognition systems as well as security passes.

The building is likely to have dedicated telephone and computer lines to help to prevent tapping. David Benn, of Lorraine Electronics in Leyton, east London, said it was possible that cables from the building were encased in a vacuum. Any interference would be detected by a break in vacuum pressure.

No self-respecting agency would be without a battery of covert surveillance cameras. The cost of top-of-the-range systems with zoom, night vision and 24-hour recording facilities can run into tens of thousands of pounds.

However, Mr Carratu said fully debugging a building was almost impossible.

Artificial wombs could be saving babies in five years

BY GILLIAN BOWDITCH

DOCTORS working on an artificial womb, which would allow more premature babies to survive, believe it could be in clinical use in five years.

A British-Japanese team has been working for ten years on the project, which has already been tested on a goat. Details of the research will be revealed at the International Union of Physiological Sciences Congress in Glasgow next week.

The team is being led by Professor Mark Hanson of University College London and Dr Kozima Shiro of Tokyo University. The system involves placing the fetus in a bath of artificial amniotic fluid. Tubes are inserted into the umbilical arteries and veins, and blood is pumped from the fetus through an artificial

lung, supplying it with oxygen. The lung also removes carbon dioxide. A dialysis unit maintains the balance of chemicals in the blood and glucose is supplied as a nutrient.

Dr Peter Moore, of University College London, said: "What is different about this type of incubation is that it treats a fetus as a fetus. At present, babies in incubators are treated as babies and their lungs have to be developed enough for them to breathe either on their own or with a ventilator."

The artificial womb is a long way from being a substitute for the real thing, however. At present the system can be kept running for only two weeks, giving the fetus an extra

fortnight to develop. The idea is to develop the system for babies born prematurely with diaphragmatic hernias, where the diaphragm is torn," Dr Moore said.

"At present, these babies cannot breathe and cannot survive. If that proves successful, it will be developed from there and may eventually be used to treat even more premature babies. It will not be in clinical use for the next five years but the potential is enormous."

Clinical tests so far suggest that a fetus behaves normally under the new system. The amniotic fluid is mostly a saline solution with some proteins. It is designed to be as close a replica of real amniotic fluid as possible.

Jury clears man who hit rowdies

A HOUSEHOLDER who hit two rowdy students with an exercise club was acquitted by a jury yesterday.

Jain Patterson, 59, a former council chief planning officer, told Bristol Crown Court that Henry Sturge and Rupert Greenwood, both 22, had staggered out of a party next door and ran amok in his garden. He had contained his anger when the two former public schoolboys ruined his tree by leaping into it from a balcony window overlooking his house in Cotham, Bristol.

But Mr Patterson lost his temper four days later when drunken guests urinated in his pot plants and hurled champagne bottles at his fence during another party.

The jury unanimously acquitted him on two charges of wounding. Mr Patterson said he had acted in self-defence. "Violence is not the answer, but I was driven crazy by this gang of yobs," he had rushed into his garden and hit Mr Sturge and Mr Greenwood over the head with the club shaped like a baseball bat.

The two admitted they had been noisy and had jumped into his tree as a "bit of fun", but claimed they were beaten in an unprovoked attack.

Mr Patterson told the court that on the night in question, in January, he had been woken by a raucous party and was threatened after talking to the guests.

Later, he went outside and saw men urinating into his pot plants. The men swore at him and attacked him, he told the court. "There was a pack of people surrounding me. I was hitting out in self-defence."

Earlier, Mr Sturge had told the court that he had been beaten by Mr Patterson as he was leaving the party. Mr Greenwood said Mr Patterson had hit him after he went to Mr Sturge's aid.

Islanders vote out condoms

BY GILLIAN BOWDITCH
SCOTLAND CORRESPONDENT

BARRA, the tiny island in the Outer Hebrides, has banned the sale of condoms at the local shop.

A ballot of the Community Co-operative's 164 shareholders was called after Canon Angus MacQueen, an island priest, withdrew his shares from the shop because it was selling condoms and he did not want to profit from the sale of contraceptives. The vote was 58 to 48 in favour of a ban.

A freelance journalist says that the dispute, which brought anonymous telephone death threats against his children, has led him to leave Barra. Tom Yeoman said: "I have been visiting the island since I was a child and this episode was a real eye-opener."

Canon MacQueen said the issue was not about condoms but about outsiders changing the spirit of the community.

"The aim of the Co-op when I helped set it up was to supply all the needs of the fishing and crofting people. When I came back to Barra, a few months ago, I found that it had become a tourist venue."

But the people of Barra have not been entirely deprived of *ruisgan meagan goil*, "the peels of the fruit of love" — they are still available from the local doctor.

Gummer sets waste target for shops

BY NICK NUTTALL, ENVIRONMENT CORRESPONDENT

LAWYERS forcing retailers and packaging manufacturers to recover up to 75 per cent of old bottles, cans, wrappers and packets have been promised if they fail to support voluntary recycling targets.

John Gummer, the environment secretary, has set a Christmas deadline for proposals from retailers and manufacturers on how to meet the European Commission's directive on packaging and packaging waste.

The European directive is expected to come into force within two years, but Mr Gummer wants swifter action in Britain.

The aim is to reduce the amount of waste going into landfill sites, and he said that laws imposing recycling schemes would be introduced if this were not achieved. Packaging accounts for about

a third of household waste. The voluntary scheme is expected to loosely mirror a French system which pays local authorities or recycling firms to collect household waste at locations such as bottle banks.

Increased amounts of household packaging, particularly plastics, are expected to be sent to incinerators to generate electricity under the retailers' and manufacturers' proposals.

Patrick McLoughlin, the trade and technology minister, said the government also wanted greater recycling of vehicles, tyres, batteries and electronic equipment. This will include incineration at power stations fuelled by waste, which will be funded through a levy on electricity customers called the Non Fossil Fuel Obligation.

Shoppers fear bombs

BY STEWART TENDLER, CRIME CORRESPONDENT

ONE in eight shoppers questioned about their fears of terrorist attack admitted they had changed their shopping habits to avoid target areas, according to a report published yesterday.

The report, based on research among 849 shoppers in five areas of Leicester in the past two months, found 60 per cent had thought about the possibility of a terrorist attack where they shopped. Some avoided crowded city centres or no longer shopped in London.

Andrew Willis and Adrian Beck, from Leicester University's Centre for the Study of Public Order, also found that 78 per cent of shoppers were prepared to carry identity cards and 75 per cent would

accept random road blocks. Almost a quarter said they would accept armed security guards.

The report said most measures aimed at combating terrorism were welcomed, although 65 per cent of those questioned were against compulsory body searches at city centre stores.

The authors were surprised by the extent of the fear and anxiety among shoppers and the willingness to accept security measures. They believe the survey reflects the feeling across the country.

Mr Beck said Leicester was chosen as a typical, medium-sized city. He had expected the survey to show up some anxieties but not to the extent revealed.

Men found dead in car

Two young men thought to have been depressed after spitting with their girl friends were found dead in a fume-filled car on a remote Lake District road.

Lee Inglesfield, 22, and Arthur Short, 18, from Maryport, Cumbria, were found by a walker on Monday at the foot of Skiddaw near Keswick. A hosepipe was attached to the exhaust. Both men had left letters for their families.

Inquest on boy

An inquest was opened yesterday into the death of Sean Williams, 8, who was found dead in a lift at East Finchley, north London, on July 19. A pathologist gave the cause of death as asphyxia.

Lost fortune

Hassan Djemal, 51, of Bermondsey, south London, plans to take Vernons Pools to court to secure a £425,000 payout which he says was lost when an agent did not collect his coupon.

Cross-dressers

Transvestites in Souththorpe, Humberside, are being offered help by the Council for Voluntary Service, which says the town's image forces men to suppress their sexuality.

Walker talkers

Ramblers who drone on about their hobby are being sought by a theatre group in Ringwood, Hampshire, to add reality to a forthcoming production called *Rambling On*.

Plain speakers

District councillors in South Somerset who cannot understand the gobbledygook they have to debate are setting up a working party to improve it.

Expect held
New British
Museum raid

Megot plant: rakes
bars in Whitehall

Security review to be stepped up after second break-in



On guard: visitors' bags are searched at the British Museum as part of the 24-hour security operation, which includes sophisticated alarms

Suspect held in new British Museum raid

By ALISON ROBERTS, ARTS REPORTER

POLICE spent four hours yesterday hunting for the second intruder to break into the British Museum in a week. An alarm linked to a nearby police station sounded just before 1am and officers with dogs searched the two and a half miles of corridors and galleries as a helicopter with spotlights circled overhead.

Just before dawn, a man was found hiding in a first-floor gallery and was taken to Holborn police station. A ground-floor window at the museum in Bloomsbury had been forced and a display cabinet containing valuable artifacts was broken open.

The cabinet held Roman items and was in a room next to that broken into last week when night-time intruders stole Roman coins and jewellery worth at least £250,000. The latest break-in might have been a copycat operation, and a security review begun last week will be stepped up.

The museum denied embarrassment at the second incident, but admitted "distress" and said that security lessons would be learnt. "Security is continuously reviewed, but obviously this is going to concentrate people's minds even further," a spokesman said.

Details of the items stolen in last week's burglary, which included eight engraved semi-precious stones, a gold necklace and up to 50 coins, have been sent to international trade magazines.

The British Museum contains a broad range of antiquities and employs several hundred security staff who patrol the premises round the clock. There are also sophisticated alarm systems and principal exhibits such as the Elgin Marbles, housed in room eight on the ground floor, have special security

arrangements. The museum is searched before the doors are locked and regular patrols are made throughout the night.

National galleries and museums in Britain have one of the best security records in the world, but thieves still manage to strike with surprising regularity. A 17th-century Japanese statuette, worth £100,000, disappeared from the British Museum in 1990 and several items have been taken from the Victoria and Albert Museum in the past five years. The theft last year of a 16th-century Italian casket led the V&A to believe that a group was stealing objects to order.

Philip Saunders, of the magazine *Trace*, which publicises art thefts, said "handlers" commissioned thieves to steal objects and then sold them to unsuspecting buyers. The Roman coins stolen last week could be sold on easily because they "were not instantly recognisable as British Museum property."

Mr Saunders said London had become an international centre for stolen artifacts because Britain had few import and export restrictions compared with other European countries. "One could steal coins from a London museum in the morning and sell them at an antique shop in Paris in the afternoon. I could walk out of Heathrow airport wearing Roman rings and no one would know."

"National museum security is good here, but thieves are good at recognising a market and it is last money for villains," he said.

Peter Osborne, deputy security adviser for the Museums and Galleries Commission, said security standards were met by all national museums, but they could not be fortresses.

Maggot plant raises fears in Whitehall

By JOHN YOUNG

THE government has intervened in proposals to build a £26 million plant, which would use maggots to produce fertiliser near a picturesque Midlands village. The maggots would convert thousands of tonnes of animal and vegetable waste for farms and gardens.

The environment department, in a letter to East Staffordshire council, has asked for details of the scheme, the first of its kind in Britain. If Whitehall decides that the proposal is of more than local significance, it will call a public enquiry.

The site is less than a mile from the village of Barton-under-Needwood, Staffordshire. The scheme is bitterly opposed by residents who maintain that it would be an environmental and health hazard and would lead to a daily invasion of between 60 and 90 lorries.

The scheme, which would involve 130 jobs, has been proposed by European Organic Processing Ltd, of

Maldon, Essex. Barry Finch, a property and leisure consultant and one of three directors, said last week that if the plant were given the go ahead, it would produce savings for suppliers and customers and the fertiliser would be an attractive alternative to damaging chemicals.

Bob Wright, of the government's Warren Springs laboratory, said he was concerned about a potential odour problem arising from ammonia excreted by the maggots. "It will be very smelly, and the smells are likely to cover a large area," he said, adding: "On the information I have, I would not be in favour of it going ahead on this scale."

Mr Finch said he was surprised at Mr Wright's comments, about possible smells, because the process was based on the laboratory's own recommendations.

He also rejected a claim that the main purpose of the plant was to produce maggots for fishermen.



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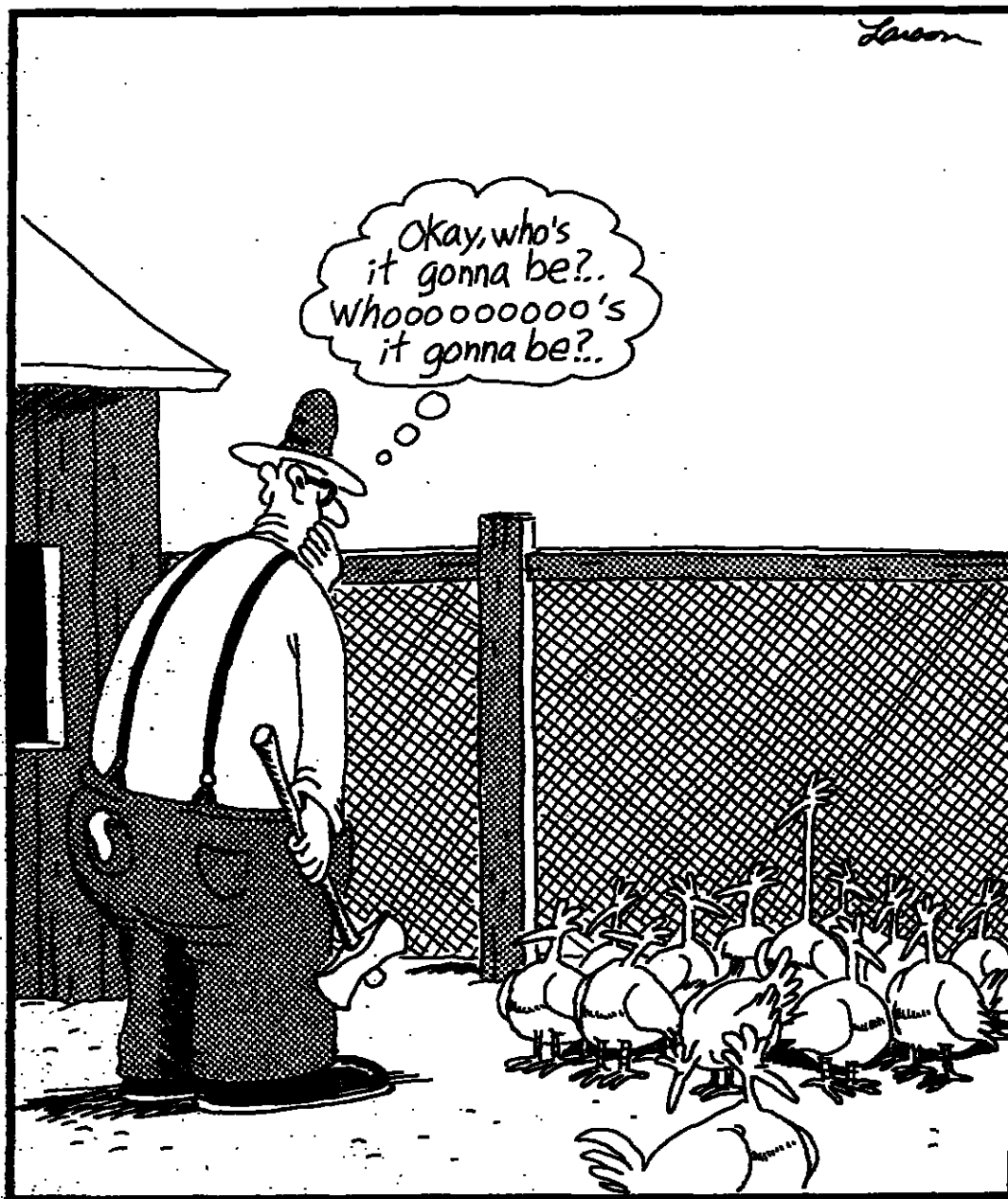
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THE TIMES WORLD CHESS CHAMPIONSHIP

By RAYMOND KEENE
CHESS CORRESPONDENT

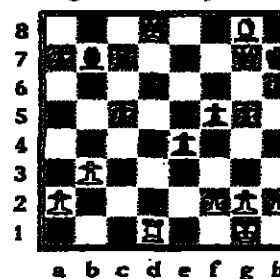
MIKHAIL Gurevich was a former assistant of Garry Kasparov in his world championship matches. He has now emigrated from Russia and plays for Belgium. Here is one of his wins in the Interzonal qualifying tournament for Fide's version of the world chess championship. The tournament at Biel, Switzerland, also features Michael Adams and Jon Speelman of England. White: Mikhail Gurevich Black: A Lesage Biel Fide Interzonal 1993

Semi-Slav Defence

1 d4 d5
2 c4 e6
3 Nc3 c6
4 e3 Nf6
5 Ng3 Nd7
6 Qc2 Bb5
7 Be2 0-0
8 0-0 Qe7
9 f3 b6
10 e4 Nxe4
11 Nxe4 dxe4
12 Qxe4 Bb7
13 Bf4 Bxd4
14 Qxd4 c5
15 Rxd1 cxd4
16 Nxe5 Qxd7
17 Nxd7 Qe7
18 Rxd4 Qe7
19 Rfd1 e5

20 Qe3 Rf7
21 Rf6 f5
22 Qd2 e4
23 Qf4 g5
24 Qd2 Qg7
25 c5 Qxc5
26 Bc4+ Kf8
27 Rf3 h6
28 Qc6 Rxd8
29 Qxd8+ Kf7
30 Bg8+ Black resigns

Diagram of final position



Spectacular resignations

The normal way to resign is to knock over your king, stop the chess clock, shake your opponent by the hand or even to offer congratulations to the winner. Some grandmasters have found more spectacular ways to concede a game. Nimzowitsch, for example,

once resigned by jumping on to a table and shouting at the top of his voice: "Why must I lose to this idiot?"

Championship update

Tickets for The Times World Chess Championship between Garry Kasparov and Nigel Short include a guaranteed seat, glass of champagne, souvenir programme, chess book and use of a personal Predict-a-move advanced computer game system fitted into every seat in the Savoy Theatre. Play is from 3.30pm to 9.30pm every Tuesday, Thursday and Saturday from September 7 to October 30. Adjourned games, if any, to which ticket holders will be admitted free, will continue the following day at the Savoy Theatre at the same starting time.

Times readers booking a seat during July will also receive a voucher (worth approximately £30) for a lunch at Simpson's-in-the-Strand, the traditional home of chess in Britain. Ring First Call on 071 497 9977 for credit card bookings.

Winning Move, page 40

Commission report raises differences between Lord Chief Justice and Director of Public Prosecutions

Taylor defends trial by jury and rejects plea bargaining

I HAVE, until now, refrained from commenting upon the Royal Commission's report. I wanted to study it carefully and discuss it with some of my senior judicial colleagues, before expressing my views.

We are fortunate in having an independent judiciary. That means, of course, a judiciary free from executive or political influence, or influence by litigants or lobbyists. But it also means that individual judges exercise their own judgment and are independent of each other, both in the way they deal with cases before them and in their views on the development of the law and its institutions.

It follows that although I have consulted with others, the views expressed here are mine and do not necessarily represent those of the whole judiciary.

I begin by congratulating the Royal Commission whose report sets out a very important and constructive programme for the reform of our criminal law and procedure.

It has been criticised in some quarters for failing to propose more drastic changes. But I believe the commission was right to consider the main framework of our criminal justice system to be sound: it has evolved over a long period and has developed checks and balances by empirical criteria. Rudely to dismantle its main structures in the absence of fundamental flaws would have been unjustified and their replacement would have been hazardous. Admirers of the inquisitorial system should note that countries where it has operated are presently tempted to emulate our adversarial approach.

With a few exceptions, the commission's recommendations may individually seem modest. But it is important to see them as an integrated package, whose overall impact will be profound. I hope the government will recognise the interdependence of some key groups of recommendations. To implement some of those and not others could upset the balance of the trial process itself. I also hope that recommendations which are clearly wise but require resources will not be shelved through misguided thrift.

In the time available to me I must clearly be selective in my

■ This is the text of the speech by the Lord Chief Justice opening the "Criminal Justice after the Royal Commission" conference

comments. So I shall not address all 352 recommendations, but concentrate on some of those which have aroused most comment.

The proposal that the nature of the defence should be disclosed before trial has proved controversial. But in my view it is sound and sensible. Its combination with the requirements for prosecution disclosure, and the retention of the right of silence subject to comment only if the general nature of the defence is not disclosed or if it changes, is an example of that interdependence and balance to which I have already referred.

The commission has rejected a general right of comment on failure to answer police questions or to testify at trial. But I see no unfairness in their proposal that the defence should indicate the issues to be tried after full disclosure of the

I hope that recommendations which require resources will not be shelved through misguided thrift

prosecution case. The burden of proof remains, as it always has, firmly on the prosecution.

Justice is not served by keeping the prosecution unaware of what they will need to prove or disprove. A criminal trial should not be a game. The Crown should bear the burden of proof but not the handicap of carrying it in the dark. Moreover, this recommendation would have a salutary effect on prosecution disclosure. At present, the Crown has the duty to disclose in many cases vast quantities of unused material not knowing what may be helpful to the defendant because its stance is often unknown. The object should be to provide what is necessary to determine the real issues.

I welcome the commission's proposals for the better man-

agement of cases, both before trial and during it: also the emphasis on controlling the length of speeches and cross-examination.

Hitherto, judges have been reluctant to curb prolix and repetitive advocacy for fear of being thought unfair. They should be more ready to intervene, courteously but firmly. If the issues are narrowed by pre-trial disclosure, it will be much easier for them to do so with confidence. Without having American-style time-limits, a judge should feel free to indicate in any case how long he would expect an address to last.

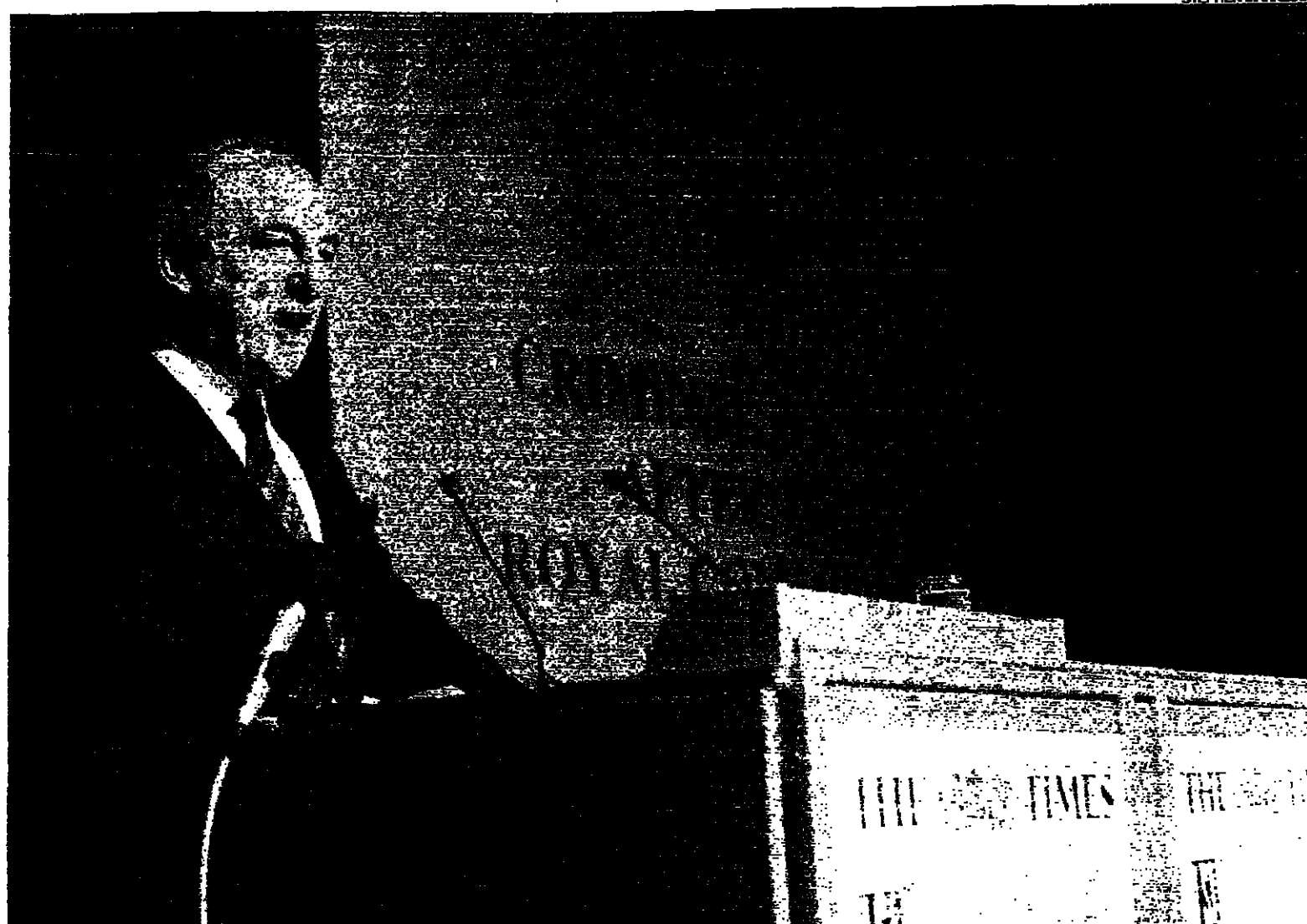
Although the commission's terms of reference were wide, the impetus for its appointment came from the series of cases in which flaws in the criminal justice system were exposed. With the best will in the world, no human system can guarantee never to fail. Hence the proposed new "Criminal Cases Review Authority".

I support the commission's proposals to establish this independent tribunal to take over the role previously played by the Home Secretary and a department of the Home Office. Clearly, more detailed thought is necessary to determine the precise constitution and powers of the new authority, who should chair it and whether it ought to be susceptible to judicial review. Likewise, the procedures and powers of the Court of Appeal on a reference by the new authority may need to be freshly addressed.

I must now turn to some proposals about which I have reservations. I am not persuaded that the defendant's right to choose trial by jury should be removed.

May I stress, this is not because I doubt the integrity or capacity of the magistrates' courts. On the contrary, I think we are very well served by both our lay and professional magistrates.

However, it is essential not only for justice to be done but for those concerned to have confidence in the process. We



Tackling the issues: Lord Taylor of Gossforth addressing yesterday's Times/London School of Economics forum on the criminal justice system

must have regard to our history, our culture and the perception of many that trial by jury is a fundamental right. More practically, when a store detective or police officer regularly gives evidence before the same court it is easy to see how a defendant may perceive the set-up as too cosy.

The commission say jury trial has long been recognised as appropriate for cases involving loss of reputation. They add: "But it should only be one of the factors to be taken into account and will often be relevant only to first offenders."

I do not accept that a defendant with a criminal record has, by that token, a weaker claim to jury trial. On the contrary, he or she may well feel specially vulnerable. "Round up the usual suspects" may not be just an old joke.

Previous proposals for curtailing the right of election such as the James Report of 1975, aimed to remove it for violent offences, for low-value thefts. Hitherto, the view has prevailed that the stigma of dishonesty does not depend on the amount taken and I have supported it. But if limits are to be put on the present right

of election, the *de minimis* approach of the James committee is surely preferable to the socially divisive regime which may well result from the commission's more sweeping proposal. Insignificance of the offence is a fairer test than alleged misunderstandings as to the message relayed back. Conversely, if [the is] present and the canvass comes to nothing, how can the defendant have confidence in a trial before a judge who now obviously knows that, given better terms, a plea of guilty would have followed.

Passing the case to another judge could prompt another attempt at a sentence canvass in the hope of a better offer. Before long, judge-shopping would prevail.

As to sentence discounts for pleas of guilty, the courts already apply them. In general, the earlier the plea the greater the discount the court should allow. That principle has been propounded by the Court of Appeal and will be asserted. But I do not favour a formalised scale of graduated discounts in figures or percentages. It would fix a fetter on the discretion of the sentencing court similar to those

load of the Crown Court. Incidentally, it would make my job much easier. If expediency were the sole consideration, I would support it unreservedly.

But I have misgivings as to whether it would serve the interests of justice. Not without good reason was such an obvious short-cut forbidden by the Court of Appeal in 1970. The court was concerned there

should not be pressure on a defendant to plead guilty.

Principle apart, the proposal presents problems. It does not envisage the defendant will be present during the canvass. This could lead to misunderstandings or at least alleged misunderstandings as to the message relayed back. Conversely, if [the is] present and the canvass comes to nothing, how can the defendant have confidence in a trial before a judge who now obviously knows that, given better terms, a plea of guilty would have followed.

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which bedevilled the Criminal Justice Act 1991, shortly I hope to be rectified.

Finally, two recommendations directly concern the judiciary. The first advocates extending the scope and quantum of judicial training and study. Yes, but its implementation must depend upon the provision of resources both to fund the training and enable it

At present, presiding and resident judges do, from various sources, receive information as to the conduct and capacity of the judges in their areas. Where appropriate, they bring such comments or criticisms to a judge's attention. Each judge is also subject to adverse comment where necessary from the appeal court as well as, in extreme cases, from the Lord Chancellor. This is quite apart from criticism by the media.

But to introduce formal performance appraisal, such as may be appropriate in industry or the civil service, would clearly endanger the fundamental independence of individual judges not only from the executive, but, as I said earlier, also from each other.

It is not possible for me here to refer to the remainder of the commission's many recommendations most, but not all, of which I support. But I think them once again for providing such a penetrating analysis of our present system and such a comprehensive programme for its improvement.

Jury dispute, page 1
Leading article, page 15

Police press for changes on disclosure

By OUR LEGAL CORRESPONDENT

CRIMINALS caught in the act of armed robbery or drug trafficking are going free because of the rules on disclosure of evidence, Paul Condon, the Metropolitan police commissioner, said.

He told *The Times*/LSE conference on the Royal Commission on Criminal Justice yesterday that, since January last year, a national survey had shown that at least 60 big cases of alleged drug trafficking, armed robbery and other serious crimes, where in some cases "the accused was actually caught in the act", had been dropped.

The reason was that the police had been put in the position of either having to halt proceedings or put at risk informants' lives and undercover work by officers, or make public a range of secret technical devices.

In a number of recent cases, police have faced increasing demands from defence lawyers, often backed by the courts, for disclosure of all material gathered in a case. If there is sensitive material involved, the Crown Prosecution Service and the defence argue the question of disclosure before the trial judge.

Mr Condon said that the

police must be given sufficient scope to turn the products of their investigations into admissible evidence. He did not, however, wish to see a return to the old view that the ends justified the means; the police were committed to "holding the line on the highest ethical standards. But I do fear that the product of police investigations is being squeezed out of the range of admissible evidence."

He said that the recommendations of the Royal Commission would further contribute to this process.

Calling for a complete overhaul of the rules on disclosure, Mr Condon said: "Disclosure is now caught up in a tactical game where more and more potential criminals are able to exploit the rules and walk free from the court. That cannot possibly be in the public interest."

At the same time, he said, the ability of police to carry out their work was being hampered at the investigative stage by defendants' right to silence. The old "concessions culture" was rightly dying out, but as more people exercised their right to say nothing "we lose more and more ability for the police to operate at that end".



Police evidence: Paul Condon puts his case yesterday

He urged not only a requirement on the defence to disclose their case before trial, as recommended by the Royal Commission, but also consid-

eration of the defence's right to silence in police stations, with adverse inferences being drawn if the right were exercised.

Sentencing rule comes into force next month

By STEWART TENDLER
CRIME CORRESPONDENT

CHANGES in the law allowing courts once again to take into account an offender's previous record and regard a crime committed while on bail as a serious factor in deciding sentence will come into force early next month.

As the new Criminal Justice Act received Royal Assent yesterday, the Home Office announced a timetable for its implementation. The act brings new strategies, the death of several legal experiments and the resurrection of discarded sentencing policies. Michael Howard, the home secretary, has wasted little time in trying to redress problems of faulty legislation and persistent offending.

From August 16, courts will be able to look at an offender's past record and see any offence on bail as an aggravating factor in passing sentence. The maximum sentence for dangerous driving will be doubled from five to ten years.

On September 20 the unit fines scheme, which prompted outrage, is abolished. Instead, courts will return simply to taking an offender's income into account in assessing a fine.

Confiscation of the assets of drug traffickers and fraud will work on a reduced standard of evidence, and serving a prison sentence in lieu of payment will no longer wipe out the debt created by missing assets. New provisions are created to deal with money laundering and financial advisers who help criminals. There are also changes on insider dealing and powers to prosecute fraud, even if the final act of the fraud is carried out abroad.

DPP insists right enshrined in Magna Carta is obsolete

By FRANCIS GIBB
LEGAL CORRESPONDENT

THE Director of Public Prosecutions came out strongly yesterday in favour of proposals to abolish a defendant's right to elect trial by jury, as recommended by the Royal Commission on Criminal Justice.

Barbara Mills QC told the conference that people defended the right to elect jury trial as an "inalienable right" that stemmed from the Magna Carta. "We do not usually go back to the 13th century to decide how to run things," she said. "The Magna Carta was very important in its day but I think it is high time now that something should be done."

She rejected criticisms that the proposals would mean jury trial being granted only to those whom magistrates considered had a reputation to lose. "I would not support anything which I thought would be socially divisive or which looked like one law for the rich and one for the poor." Guidelines could perfectly well be devised for magistrates which would be acceptable in every case, she said. Magistrates dealt with 1.4

million cases a year, compared with 100,000 in the Crown Court, and only a "tiny" proportion of defendants appealed against magistrates' decisions, she said. The suggested change would affect no more than 5 per cent of all Crown Court defendants. "We have got to look at it from the point of view of everyone else involved in the system."

Defendants who pleaded not guilty and then changed their minds at the court door



Mills: "Something should be done"

— when the court listings were done, witnesses called and case preparations carried out — caused "great inconvenience to the people we should be respecting".

The question of electing jury trial needed to be looked at rationally, she said. For instance, some offences of dishonesty did not carry the automatic right to elect trial by jury, such as fare evasion, benefits fraud, interference with motor vehicles and taking and driving away.

Seventy per cent of those who elected trial by jury eventually pleaded guilty on all counts, and a further 12 per cent pleaded guilty on some counts. "Of those who elect trial by jury, and plead guilty, the majority have a sentence imposed which could have been imposed by the magistrates," she said.

Mrs Mills went on to welcome the royal commission's proposals to abolish criminal proceedings (90 per cent of convictions were now done on paper, she said), and its recommendations on disclosure of evidence. "At present, the prosecution was faced with the burden of disclosing vast quantities of material."

QC says report abandons the innocent

By FRANCIS GIBB

LEADING defence lawyers attacked the Royal Commission report for "turning its back" on those victims of miscarriages of justice which led to its being set up in the first place. Michael Mansfield QC, who has acted for defendants in a number of such cases, said the commission's proposals would increase pressure on defendants to plead guilty and lead to even more wrongful convictions.

The commission should have tried to protect and strengthen the principle of the presumption of innocence. Instead, an "inordinate arrogance" pervaded the report, a view that it knew who was guilty and that they "were getting off", he said. He said he agreed with the Lord Chief Justice, Lord Taylor of Gossforth, that the

LAWYERS

right to elect jury trial should not be altered. He was also concerned that the commission had failed to make proposals which would ensure that unreliable confessions were excluded as evidence.

"The commission has not provided the protections against the prosecution of the innocent that we should be looking for," Mr Mansfield also criticised proposals for a formalised system of plea bargaining. "The idea that a defendant will have extra pressure put on [him] soon after conviction — that a lawyer will say, 'not just that he will get a discount and can go judge-shopping and also sentence-shopping' — will only help those who are truly guilty, not the innocent." The same

inadequate people who had wrongly confessed to crimes they did not commit would be forced into pleading guilty, with a serious risk that more miscarriages of justice would arrive.

Professor Mike McConville of the School of Law at Warwick University said the report was "based upon a flawed understanding of the organising principles of criminal justice".

The commission wanted to abolish the right to elect trial by jury and allow magistrates to decide the venue of trial. But Home Office research had cast serious doubt on the quality of summary justice. It found a substantial bias in favour of police evidence "which tended to be accepted even where there was no confession and when the defendant's credibility was not impugned at trial".

Quality of judging 'a lottery'

By OUR LEGAL CORRESPONDENT

SPECIALLY trained judges to try criminal cases were called for by a leading Queen's Counsel yesterday, who said the quality of judging was a "complete lottery". David Cocks QC, a Crown Court Recorder and former chairman of the Criminal Bar Association, said: "We experience at the Bar dim, incompetent and unfair judges who are being put into cases where they flounder out of their competence."

He said the impression of justice which those involved carried away from the courts

must often be "appalling". He said he was in favour of some sort of judicial appraisal, as recommended by the royal commission, in which judges would have to submit to the scrutiny of their peers.

"In my view, if we are going to bring about efficient and just trials in very serious cases, we must have judges who are up to the task and that is not happening."

He said such scrutiny could also be applied to the stipendiary magistrates, "who jump down one's throats". At present, one did not know how

they performed, except through gossip, and some formal system of appraisal might be of benefit.

Judges who sat on their own continually became "case hardened" and where there was no record of what they said they very often turned into "appalling judges on the facts", and were "bad tempered and not good at their jobs".

Lord Justice Farquharson, who chairs the Judicial Studies Board, welcomed the commission's recommendations that more funding be given to judicial training, saying the system was "quite hopeless".

Castro signals his retreat from the pains of socialism

FROM DAVID ADAMS IN MIAMI

PRESIDENT Castro signalled his retreat from socialism to save his revolution and announced a package of measures to encourage tourism, foreign investment and use of the US dollar in the economy. In a late-night address on Monday, he admitted that the country's financial crisis meant that radical measures were required to move Cuba away from the centrally planned socialist economy on which his revolution was built.

Dr Castro used the 40th anniversary of the guerrilla attack that launched the Cuban revolution to outline the series of capitalist-style reforms, including encouraging many more Cuban exiles to return home for family visits.

The speech — broadcast in Miami, a haven for Cuban exiles — failed to entice them. "These are false signs of change," Castro remains unmoved, said Eduardo Sánchez, a respected human

rights activist in Havana who is visiting Miami. "Castro may attract some money from the exiled community by this means, but it is not going to make Cuba any more attractive to foreign investors," he added.

Dr Castro prefaced his speech with an attack on the circumstances that have driven him to retreat from socialism, to save the revolution. "Who could have told us of this," he declared bitterly, bemoaning the collapse of the communist bloc in 1989 and the subsequent end of huge subsidies from the former Soviet Union. In his long list of misfortunes, he also mentioned a disastrous storm that swept Cuba earlier this year, severely damaging the island's key sugar crop.

While Dr Castro did not specify how many Cuban exiles would be allowed to return home for visits, Cuban officials have hinted that their numbers could be increased

from 10,000 a year to 30,000. In the past the visits have been subject to cumbersome bureaucratic controls and long delays, dissuading many from making the 200-mile flight between Miami and Havana which takes less than 40 minutes. While no international airlines have scheduled flights to Cuba from the United States, two charter firms operate several flights a week from Miami.

Exiles visiting Cuba are allowed to enter with \$2,000 (£1,333) in cash, which money proves invaluable to the cash-strapped economy. Under the US economic embargo against the island, exiles are allowed to send up to \$300 per household to relatives in Cuba every three months. The US State Department said yesterday that it would not consider increasing the remittances.

In his address, Dr Castro acknowledged that large amounts of dollars are already in circulation and that by



Talk show: a family in a Havana neighbourhood watching President Castro's address on Monday night on the 40th anniversary of the revolution. Dr Castro announced capitalist-style measures to prop up the economy

legalising the holding of the currency, he said he hoped to attract those funds into the economy "not through confiscation, but through commercial networks".

He said that it was "distasteful" that legalisation of the

dollar would create a new privileged group of Cubans who have generous relatives. "There will be privileges for those who receive dollars from abroad," he said. "These are necessities that life imposes upon us. They are sacrifices

that are imposed upon us for being revolutionaries. Anyway, everything that arrives in the country will be invested in the people."

Dr Castro added that in the future he might consider issuing local dollar coupons, rais-

ing the fear among exiles that they might be forced to exchange their cash at a fixed exchange rate, well below the black market rate of 60 pesos to the dollar.

Dear Fidel, page 22

Sandinistas deny rebel attack link

BY DAVID ADAMS

NICARAGUA'S Sandinista-controlled army and police have denied any complicity in the rebel attack last week on the northern town of Esteli which left 45 people dead and 98 wounded, as well as creating a storm of controversy that has further unsettled the presidency of Violeta Chamorro.

General Humberto Ortega, the army chief and brother of Daniel Ortega, the former president, and Fernando Caldera, the police chief, dismissed allegations in *The New York Times* that they had allowed the attack to go ahead to pressure President Chamorro into making concessions to the former Sandinista soldiers.

The rebels complain that the government has failed to meet promises of land and jobs when they demobilised three years ago at the end of the decade-long civil war.

The New York Times cited undocumented evidence alleging that the force of 120 rebels was allowed into the town driving "unmolested" past an army camp. The article also said that the army waited three hours before responding to the attack.

De Klerk woos wary Inkatha

FROM MICHAEL HAMLEN IN JOHANNESBURG

DESPITE a gloomy response from Chief Mangosuthu Buthelezi, chief minister of KwaZulu and president of the Inkatha Freedom Party, to the draft interim constitution, President de Klerk was optimistic yesterday that Inkatha would be back at the negotiating table shortly.

"With good negotiations, we can build the bridges that are necessary to get the IFP back at the negotiation process," he said in Pretoria. In the meantime, government negotiators were locked in talks with Inkatha representatives, trying to persuade them that there was enough in the draft document to enable them to return to the talks. "We are working hard on it," the president said.

The debate on the document has been held up for two days to give time for talks with both Inkatha and the Conservatives. On Monday, the hard-line white Conservatives appeared to wash their hands entirely of further participa-

tion in the process. The Inkatha leader said his party "is gravely concerned about much of its content".

His statement complained that the constituent assembly "is charged with the task of redrafting the constitution completely, which draft could be adopted by a 51 per cent majority when there have been deadlocks, and the deadlock-breaking mechanisms have run their course". More significantly, it said that under the draft constitution there exists no possibility of establishing federalism, as Inkatha has strongly advocated.

"It is clear that this draft envisages the establishment of a unitary state with provincial or regional characteristics. For the IFP, the draft constitution is not even a starting point," Chief Buthelezi said. His party "will be able to rejoin negotiations only once a model for the establishment of a federal system, in a one-stage process, is at least put on the table for consideration by the negotiating council".

General Tienie Groenewald, one of the retired military men leading a new coalition of right-wing groups including the Conservatives and the neo-Nazi Afrikaner Resistance Movement, was even more vehement in his rejection of the draft. Because it made no provision for the establishment of a *volksstaat* for Afrikaners it had to be rejected.

He called for a meeting with the government, saying that the present situation could not continue, or it would "end in confrontation".

Simon Jenkins, page 14

Delhi's killer buses stop at nothing

FROM CHRISTOPHER THOMAS IN DELHI

DELHI has licensed 3,000 additional private buses to ease congestion on some of the world's most dangerous roads. Painted red and driven by ill-trained drivers, they have killed scores of people and injured hundreds.

The object of a Redline bus driver is to collect and discharge as many passengers in as short a time as possible. This makes for good profitability but it requires a marmalade attitude to the road. Even on Delhi's anarchic streets, the Redline bus driver is a feared man.

There were not enough qualified drivers when the new buses were introduced early this year, so people were hired without too many questions asked. The authorities, stung by a public outcry, began clamping down on Redline violations a month ago. Up to July 13 the enforcement wing of the transport department had lodged 7,881 prosecutions, mostly relating to violation of route permits and speeding. More than 650 buses have been impounded; 760 owners have been charged with not installing speed governors; 857 drivers are accused of not carrying licences, and 1,753 of not wearing a uniform.

But the carnage goes on.

"Redline drivers continue their reign of terror," *The Statesman* reported. According to the *Indian Express*, which publishes the tally every day on its front page, the Redline toll so far this year is 878 dead and 2,706 injured.

United News of India revealed that Delhi Transport Corporation was using psychomantics and yoga programmes to tackle the problem. "It said a behavioural scientist engaged by the company had exposed 210 accident-prone drivers. Yoga therapy, according to UNI, was reducing fatigue among drivers."

The city's transport corporation has fitted speed governors on its buses to stop them going faster than 25 mph. The new Redline buses, however, are privately run and were not initially required to install governors until ordered to by Delhi high court.

It also ordered the removal of ear-splitting pressure horns beloved by Redline drivers. A petitioner told the court that the introduction of the "stroke of a pen" of 3,000 buses violated the city's own recommendation that the roads could handle no more than 6,000 buses. There are now 8,000 of them in the city.

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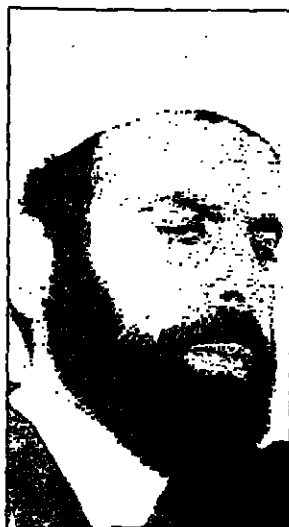
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Ragtag zealots sabotage hopes for Middle East peace



Obeid: Hezbollah cleric kidnapped by Israel

FROM CHRISTOPHER WALKER
IN CAIRO

ISRAEL, which 11 years ago invaded Lebanon in a bid to crush the secular Palestine Liberation Organisation, now faces a more determined and disciplined Islamic enemy there.

Hezbollah, whose name comes from the Arabic phrase "the Party of God, they are victorious", is backed by Iranian finance, weaponry and training. Its guerrillas are more dangerous to the Jewish state than the PLO because they are indigenous to the rugged territory of southern Lebanon and dedicated to destroying the Middle East peace process, of which the PLO is now an indirect part.

A ragtag force which often goes to war (and retreats) on motorcycles and communicates via recently

■ Israeli attempts to diminish the fighting spirit of Islamic guerrillas in Lebanon seem bound to fail. With Iranian backing, Hezbollah has the weapons and finance to match its revolutionary zeal

delivered two-way radios. Hezbollah has a revolutionary zeal that in the past has embraced both suicide bombing and kidnapping of Westerners among its guerrilla tactics.

The group, run by a 12-man advisory council, was formed in the early 1980s by Lebanese Shia Muslims inspired by Iran's Islamic revolution. Shia Muslims are Lebanon's largest community and also its poorest and most neglected grouping.

Close ties between Iran and Syria, the main power broker in Lebanon

where it has an occupying army of 40,000, have been a key factor in Hezbollah's increasing strength. Today it is the only remaining militia that has not been disbanded by the revitalised Lebanese army, fearful that such a move could spark new civil strife.

Syrian denials of any co-operation with Hezbollah are treated sceptically by independent observers, as it is apparent that, without Syria turning a blind eye, the Islamic fighters could not have acquired wire-guided Russian Sagger anti-tank missiles, now their most effective

weapon. A Sagger was responsible this week for killing an Israeli soldier and wounding three others when it hit a tank on Monday.

The kidnap by Israel in 1989 of Shaikh Abdel Karim Obeid, a leading Hezbollah cleric, and its assassination last year of Shaikh Abbas Musrawi, the group's leader, has done nothing to diminish the violence of the militiamen. They are convinced they have time and the terrain on their side.

"What can they do to us? We are not in barracks, we are the people," one Hezbollah gunman explained last year after the tit-for-tat violence was again threatening to sabotage the moribund peace process. "They kill 20 civilians for every one of us."

The fanaticism of Hezbollah fighters is fuelled by a conviction that God is behind them and a disregard for the temporal life as compared

with the supposed pleasures that await an Islamic "martyr" in paradise.

As Israel maintained an air, sea and artillery assault greater than anything seen since the ill-fated 1982 invasion — at the start of which Israeli tanks were greeted with welcoming rice by some Shia Muslim villagers — Shaikh Naim Hassan, Hezbollah's deputy leader, said: "We will continue resistance because the occupation of our land is a continued aggression that we can never accept... the aggressor must pull out so that the aggression ends."

The shaikh boasted that Hezbollah was "proud to cherish the goal of sabotaging the Arab-Israeli peace talks" and went on defiantly to say: "The problem will not end through the enemy's threats. Israeli intimidation will not

achieve its goals in curbing the resistance."

The nine-mile-deep Israeli "security zone", north of its border in southern Lebanon, was set up in 1985 after the bulk of its invasion force had withdrawn. Just as Iran fights a proxy war through Hezbollah, Israel relies heavily on the mainly Christian South Lebanon Army to protect its northern flank, but has found that its fighters lack the zeal of their Islamic opponents.

Among the extremist Middle East groups, Hezbollah has emerged as the one most opposed to the peace negotiations begun in Madrid 21 months ago.

Its tactics have also spread abroad, which is why Israel's foreign ministry yesterday warned its diplomatic missions worldwide to be on alert for possible retaliation against Israeli targets.

Christopher urges restraint as Israel steps up offensive

FROM RICHARD BEESTON WITH ISRAELI FORCES
IN SOUTHERN LEBANON AND MARTIN FLETCHER

WARREN Christopher, the US Secretary of State, cut short a visit to Asia yesterday and flew back to Washington to confer with President Clinton on the new warfare raging in the Middle East.

The mood in the US capital was one of determination that the fighting across the Israeli-Lebanese border should not be allowed to destroy the Middle East peace process as the Iranian-backed Hezbollah guerrillas had intended by provoking the conflict.

Mr Christopher will go as scheduled to the Middle East this weekend to try to advance those talks. Before leaving Singapore, he telephoned Yitzhak Rabin, the Israeli prime minister, and Farouk

al-Sharaa, the Syrian foreign minister, and urged "maximum restraint" by all sides.

President Clinton made a point of publicly praising Damascus for its "commendable restraint so far". Asked if he believed the talks were in danger of collapsing, he said he hoped they would not but conceded he was concerned about that possibility.

Even before the latest fighting, the talks were in danger of dying on their feet, having made little discernible progress in 21 months. The Clinton administration had recently stepped up its efforts to advance them, and the timing of the Hezbollah rocket attacks on Israeli settlements was apparently dictated by Mr Christopher's imminent arrival in the region.

Mr Christopher will now arrive in Cairo on Sunday or Monday, and travel on to Israel, Syria and Jordan. Originally he was due to visit Australia on his way from Singapore to the Middle East. "We must not let the opponents of the peace process undermine it," he said before departing for Washington. "I am as determined as ever to assist the parties to make progress in the peace process," he said, adding that that was the best answer to such violence.

As the fighting in Lebanon entered its third day yesterday, Israeli forces embarked on the latest phase of Operation Accountability, a euphemism for the systematic destruction of 72 villages and towns dotted along the northern edge of Israel's "security zone" in southern Lebanon. So far Israeli gunners have fired nearly 4,000 shells into the area, while helicopter gunships and fighter bombers continued to strafe and bomb the area in a successful attempt to drive out the 150,000 inhabitants.

According to witnesses, the relentless bombardment appeared at times almost ran-

dom. Homes, farms, and even the headquarters of the Nepalese battalion of United Nations troops were destroyed, causing several casualties, including three injured peacekeepers and the death of the mayor of the town of Jibchit.

"We are not going to stop until we see results," announced Shimon Peres, the Israeli foreign minister, during a tour of northern Israel. He predicted that the military would continue its offensive until the bombardment of Israeli settlements by Hezbollah gunners ceased.

Yesterday the strategy of applying pressure on the Lebanese and Syrian governments by making the civilian population of the south homeless appeared to be working. Only ten Katyusha rockets hit Israel's Galilee region, injuring two people, a big reduction from the 100 projectiles that struck the area on Sunday and Monday leaving two dead and 24 wounded.

The latest wave of refugees is now swamping Beirut's overcrowded southern suburbs and the Bekaa Valley. They will be loathe to return to their homes as long as the threat of an Israeli ground offensive hangs over the area. Although the notion of a ground attack was still being played down yesterday, there seemed little doubt among combat troops that such an offensive was inevitable. "We all think what is happening now will just delay Hezbollah, not stop it," said Lieutenant Tarnir, a platoon commander. "You cannot demolish terrorism with air strikes and artillery... we will have to go in and do the job on foot."

The official Syrian media said yesterday that the Middle East was on the threshold of a new war. Iraq was in the vanguard of those Arab states accusing the US of double standards in failing to take similar measures against Israel as had been ordered against it for violating UN resolutions.



Company flotation: friends in Lemay, Missouri, salvaging business equipment before coastguards restricted access to the flooded areas

Swollen rivers menace Kansas City defences

FROM BEN MACINTYRE IN NEW YORK AND MARTIN FLETCHER IN WASHINGTON

RECORD flood levels in the Missouri and Kansas rivers were expected to crest yesterday before converging on Kansas City, Missouri. Engineers predicted that the confluence of the two rivers, swollen by torrential rain in the upper Midwest, would hit a new peak in the city before midnight yesterday.

The flood already ranks as one of the country's worst natural disasters, with 42 people killed in flood-related incidents, millions of acres under water and some economists predicting that the floods will cost \$25 billion (£16.7 billion). Insurance is believed to cover only about 10 per cent of the losses.

Congress was yesterday making a second attempt to pass an initial emergency aid

package of \$3 billion. Governors from the worst-hit states flew to Washington to impress how dire the situation was, and on Monday night President Clinton rapped the House of Representatives for its failure to deliver. Republicans and conservative Democrats worried about the deficit last Thursday rejected the package until offsetting spending cuts were found.

A record flood crest was also thundering down the Mississippi and is expected to reach 48ft in St Louis early next week. That level is just four feet below the vast concrete levees which protect the heart of the city. Some of these have started to develop cracks after six weeks of relentless battering. Last Friday part of the barrier gave way and

water poured through at a rate of 40,000 gallons a minute until engineers managed to plug the leak.

The National Guard and volunteers in Kansas City have spent the past week shoring up the city's defences against the expected assault from the Missouri, which hydrologists predicted would reach 49ft yesterday. Engineering officials were confident the levees protecting the middle of the city would hold, but said that barriers to the north were more fragile. Low-lying areas in Kansas City, Kansas, to the west of where the two rivers converge, have been evacuated.

In St Joseph, Missouri, 55 miles upstream from Kansas City, ruptured levees have swamped the water purifica-

tion system, leaving 76,000 people without tapwater. In rural areas north of St Louis the floodwaters are still spreading as small levees give way one by one. On Monday an agricultural flood wall gave way south of Quincy, Illinois, flooding 50,000 acres of farmland.

The weather reports offer a little hope to the Midwest. Forecasters say the rain will gradually die out by Thursday, as dry weather pushes across from the east. The rain is expected to hold off for at least four days, the first sustained respite for more than a month.

The economic ripples from the floods were spreading across the nation, with fears growing in the industrial northeast that a sustained

blockage of supplies from the west could lead to factory shutdowns. All railway traffic through the Kansas City area has been halted after the line, one of the few remaining routes for east-west rail traffic, was swamped. Freight trains from the west coast are now being sent as far north as Montana and as far south as Texas to avoid the floods, causing long delays. Shipping schedules, which are coordinated with rail timetables, have been disrupted as far away as Japan.

Mike Espy, the agriculture secretary, said the Midwest produced two-thirds of America's corn and soybean crops, and predicted "devastating losses", but said past surpluses and good crops farther east would limit price rises.

NEWS IN BRIEF

UN Iraq cameras installed

Baghdad: United Nations experts yesterday installed three monitoring cameras at an Iraqi missile test site near Baghdad. Bill Eckert, the team leader, said electrical work had not been completed and that three more cameras would be installed today.

Iraq reluctantly agreed to allow the surveillance cameras at two missile testing sites having complained that they violated its national sovereignty. However, the UN will test the cameras then switch them off pending the outcome of UN-Iraqi talks scheduled for next month or September. The UN insists that long-term monitoring is mandatory to ensure Iraq does not resurrect weapons programmes banned after the Gulf war. (Reuters)

Embassy bomb

Lima: Shining Path rebels exploded a car bomb outside the US embassy in Lima, seriously wounding two Peruvian guards and killing one guerrilla. The 6am blast caused structural damage, but the only American inside, a marine, was unhurt. (AP)

Gaviria visit

London: President Gaviria of Colombia began a three-day official visit to Britain yesterday, with trade, investment and drugs trafficking heading the agenda of talks with John Major and other ministers. He is to have an audience with the Queen. (Reuters)

Frigates sold

Islamabad: Pakistan's navy has bought six secondhand British Type-21 frigates to help replace eight American ships recalled to Washington in line with a US ban on economic and military aid to Pakistan. One ship will be delivered this week. (Reuters)

Acid cloud

San Francisco: More than 2,000 people received hospital treatment for stinging eyes and burning throats after a leaking railway wagon released a thick cloud of sulphuric acid over Richmond, California. (Reuters)

Grin reaper

Houston: A lawyer for a death row prisoner, Robert Drew, who stabbed a teenager, complained after a judge signed Drew's execution order with a little "happy face" flourish. District Judge Charles Hearn said: "It's just become part of my signature." (AP)

Justice department retreats over White House death

BY MARTIN FLETCHER

THE justice department has mysteriously backed away from its promise to conduct a thorough investigation into last week's apparent suicide of Vincent Foster, President Clinton's lifelong friend and senior aide.

Contradicting its earlier statements, the department said it was merely participating in a routine, low-level enquiry being led by the US Park Police as Mr Foster's body was found in a Virginia park. It was thought unlikely that the Park Police would interview President Clinton, Hillary Clinton or other close friends of Mr Foster.

Last Thursday the department said that every possibility, including blackmail, had to be explored when a senior government official, with access to some highly sensitive information, died in unknown circumstances.

"If it was suicide, the Justice Department wants to find out why he killed himself," a spokesman said at the time. "The department is also looking carefully at the possibility — a slim possibility — that he was murdered."

Rumours have swirled around Washington since Mr Foster's death, but preliminary enquiries have produced no evidence that his suicide was provoked by anything more than the intense pressures of political life in the

capital and some mild media criticism of his performance. The White House has sought from the outset to discourage further speculation about why a 48-year-old man at the peak of his career should suddenly take his own life without leaving so much as a note to his family. Mr Clinton said last Friday that



Foster: mystery of his last hours unanswered

he expected the investigation to produce nothing new and insisted that "no one can ever know why this happened".

Important questions have yet to be answered. It has still to be determined how Mr Foster spent the five hours after he left the White House and before his body was found, where he acquired the gun with which he shot him-

self, and who summoned the police before disappearing. New York: Nine British tourists who were shot, beaten or robbed in Florida over the last year have filed lawsuits against motel operators and rental agents who provided them with accommodation (Ben Macintyre writes).

The suits claim that the holidaymakers were not given adequate protection from the violence endemic in central Florida, an area described by the plaintiffs' lawyer as "a shooting gallery" with tourists as targets.

"Central Florida can no longer continue to tout itself to the world as a safe and wholesome destination for tourists when attacks... continue at this rate and at this level of violence," Michael Swindle, the lawyer representing the British tourists, said on Monday.

Postman: Keith Thompson from Chelmsford was shot and killed in the parking lot of an Orlando motel last October, less than two hours after arriving in Florida. His family is demanding \$2 million in compensation from the motel. Another plaintiff is David Cornwell, who was attacked along with his family in a rented house in Florida on June 14. Mr Cornwell was shot in the head, but with his son and son-in-law he managed to fight off the assailants.

Jackpot chaos bursts the Pepsi bubble

BY BEN MACINTYRE

A COMPETITION held by Pepsi, the soft drinks manufacturer, which went dramatically awry has prompted violent riots and mass unrest in the Philippines.

As part of a long-running promotion, Pepsi announced that one million pesos (about £26,500) tax-free would be awarded to whichever lucky cola-drinker came up with the winning bottle cap, numbered 349. But due to "computer error", some 800,000 bottle caps numbered 349 had been distributed and thousands of exultant Filipinos demanded their prize money.

PepsiCo Inc. the parent company based in New York, has refused to pay the prize money in full, with extraordinary violent results: according to the Los Angeles Times, 32 Pepsi delivery trucks have been stoned, overturned or burnt, bombs have been thrown into Pepsi bottling plants and offices, and at least two people have been killed.

So far, more than 400,000 people claim to have the winning 349 bottle cap, 22,000 people have filed lawsuits against Pepsi, and more than 5,000 criminal complaints are pending. Arrest warrants have been issued for ten Pepsi executives, while winners are calling for a national boycott and holding mass protests which often become violent.

Vicente Del Fierro Jr, head of Coalition 349 and a public

relations executive, is leading 15,000 competition "winners" in a campaign for restitution. To add insult to injury, Mr Del Fierro has offered to help Pepsi with its public image after the problem is settled.

That image, in the world's 12th largest market for soft drinks, could hardly be in worse shape. Christopher Sinclair, the Pepsi president, flew to Manila in April for crisis talks with President Ramos and the company has given out \$10 million (£6.5 million) as a "goodwill gesture".

When the promotion was first launched in February 1992, company sales boomed by nearly 40 per cent. The winning numbers were announced on television and more than 50,000 people successfully claimed cash prizes, including 17 who won the one million peso jackpot, a vast sum in a country where poverty is widespread.

Then, on May 25 last year, the number 349 was announced and mayhem broke loose. Within hours the company was swamped with claims when these went unpaid, the death threats followed, despite a desperate offer to pay \$20 to anyone with a winning cap.

Pepsi plant in the Philippines is now in a state of siege, protected by barbed wire and security guards. Most expatriate workers have been evacuated.

New York mayoral race

Racial riots issue threatens Dinkins

BY BEN MACINTYRE

THE race for the post of New York mayor, "the second toughest job in America", has begun in earnest after an official state report into the 1991 Crown Heights riots was released last week portraying David Dinkins, the incumbent, as inept, inadequate and, as one newspaper put it, "out to lunch".

The report accused Mr Dinkins of being slow to recognise and respond to the racial violence in the Crown Heights neighbourhood of Brooklyn, which erupted in August 1991 after a seven-year-old black boy was killed by a car driven by a Hasidic Jew. In the three days of street battles between blacks and Jews that followed, a young Hasidic scholar was also killed.

The riots have now become the defining issue in the mayoral race, still more than three months away. Mr Dinkins insists that he did his best under difficult circumstances, amid claims from Rudolph Giuliani, his Republican opponent, that the violence would have been quelled immediately had he been sitting in the mayor's office.

Mr Giuliani, a former US attorney, is a figure already well known to New Yorkers as a ferocious and successful

federal prosecutor who lost to Mr Dinkins in 1989 by just two percentage points. Recent polls suggest that the two candidates are neck and neck, but the Crown Heights debacle may be enough to tip the scales in favour of Mr Giuliani.

Quite apart from the fact that one is a black Democrat and the other a white Republican, the two candidates are a study in contrasts. Whereas Mr Giuliani is the tough-nosed, tough-talking political street brawler, Mr Dinkins is downbeat, a born bureaucrat and a gentleman, feline in some, stoic in others.

Mr Dinkins is New York's first black mayor and if he is ousted by Mr Giuliani he will become the first black mayor of a big city to lose office after a single term. Mr Giuliani, by contrast, would become the city's first Republican mayor for a quarter of a century.

Somewhat belatedly, Mr Dinkins is beginning to exploit his opponent's weaknesses. New York prides itself on diversity, and Mr Giuliani may again prove to be a little too "white bread", a little too square in the jaw and loud in the mouth for an electorate in perpetual racial ferment and a city overwhelmingly Democratic in inclination.

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Balkan splinter into the

Currency 'plot' denied

Yeltsin sacks minister for corruption

FROM ANNE MCELVOY IN MOSCOW

PRESIDENT Yeltsin abruptly sacked Viktor Baranikov, his security minister, yesterday for corruption and incompetence. The move hints at a rift at the heart of the leadership when it is already under attack for allowing the central bank's draconian and chaotic currency reform to proceed.

A statement from Mr Yeltsin's office cited "infringements of ethical standards and serious shortcomings in his work" as the reason for his removal. The former Russian police chief was a close associate of Mr Yeltsin and one of his staunchest supporters during the attempted coup of August 1991.

No replacement has yet been announced for the sensitive post. Tass said that the Russian president told senior members of the security ministry, the former KGB, that its head had mismanaged the deployment of guards along the Tajik-Afghan border, and had exploited "commercial structures" to help his relatives find lucrative jobs abroad. He blamed Mr Baranikov for being unprepared for the attack two weeks ago in which 25 Russian frontier guards were killed by Tajik rebels based in Afghanistan.

Mr Yeltsin has emphasised his commitment to reinforcing the border which he described as "essential to Russia's defence".



Baranikov was once a close ally of president.

Russian, Khasbulatov, the parliamentary chairman, responded to the sacking by announcing that he intended to convene parliament in a bid to restore Mr Baranikov. He claimed that the dismissal was "an attempt by the democrats to crush the organs of law and order by stripping them of all professionals".

The sacrifice of Mr Baranikov comes as a surprise since Mr Yeltsin needs to rally his government around him to head off a renewed onslaught from the conservative parliament and cope with the aftermath of the mismanaged currency reform.

Yesterday Viktor Geraschenko, Russia's central bank chief, defended his unpopular rouble reform and denied that he had instigated it in order to undermine Mr Yeltsin. He said that he had "not had a vicious plot in mind" when he initiated the reform that has plunged Russians into a state of uncertainty about the future of their money and caused panic in the nine other republics that use the rouble as their currency.

Mr Khasbulatov also used the currency chaos to launch a fierce attack on Mr Yeltsin, accusing him of conducting "a reckless monetary policy". He claimed that the time had come for parliament, not the government, to bring order to the economy, but he avoided blaming the central bank.

Mr Yeltsin's cohorts have been claiming that the rouble reform was taken without consulting him. Sergei Stalov, the deputy prime minister, said the action had been "part of a scenario of political conflict" over who would wield power in Russia and that the country's institutions could not withstand the paralysis of central authority.

On September, Georgia and its rebel province of Abkhazia signed a ceasefire agreement, a major step towards silencing the guns after 11 months of separatist conflict. (Reuters)

Rouble storm promises silver lining

FROM ANATOL LIEVEN AND ANNE MCELVOY IN MOSCOW

The way that the Russian currency reform was implemented was so strange and brutal that even Western observers are convinced it was part of a plot to discredit President Yeltsin. The only question they are asking is who exactly was responsible?

The basic thrust of the reform, however, is not as eccentric as it looks. For well over a year now, many Western economic advisers to the Russian government have been arguing that Moscow must break the rouble link with the other former Soviet republics if it is to have any hope of mastering inflation and stabilising the currency.

This break has been by far the most important single effect of the latest currency change. In the words of Viktor Geraschenko, the state bank chairman, his bank's action was motivated by "a desire to determine who will stay in the rouble zone and who must leave". But the move has caused panic in the nine other republics of the Commonwealth of Independent States, which use the rouble as their currency.

Up to the weekend nine former Soviet republics apart from Russia, were still using the rouble in most cases alongside some form of interim currency. As part of its own anti-inflation strategy, Moscow had severely limited the supply of new roubles to the other republics. As a result, the bulk of their roubles are pre-1993 and they have been worse hit by the change.

Three republics immediately announced speeded-up moves towards their own currencies, and more are expected to follow in the coming weeks. These new currencies are expected to be extremely weak and vulnerable to hyperinflation.

The introduction of these currencies will also wreak further turmoil in the crumbling system of trade within the former Soviet Union, making financial accounting between the republics even more of a nightmare, and encouraging the trend towards a primitive barter system. The need to preserve this trading system was the reason why most Western economists argued for the retention



Money troubles: A Muscovite, above, threatens to hit a policeman who asked him to step back from an entrance to a savings bank, and below, old roubles are changed for 1993 roubles on the black market on a Moscow street



of a single currency across the former Soviet Union.

For this currency to have any chance of stability, however, a single central bank would have been necessary, and this would inevitably have been under Russian control. This was rejected by the other republics. Instead they moved to set up their own central banks and credit systems, with disastrous results for inflation.

Despite the damage done by the currency reform to trade, and therefore to Russian industry, from Russia's point of view the reform does have positive aspects. It marks a major step towards Russia establishing a new Russian currency.

By far the most important benefit for Russia will be that inflation within Russia will no longer be fuelled by unlimited credit emissions by the central banks of other

republics. This has been the key motive for the latest move.

The potential benefits of the reform will in any case not occur unless the Russian parliament and the state bank itself decide to limit credit emissions into the Russian economy. At present they are doing exactly the opposite. The unbridled nature of the central bank's move has already had two bad effects for Russia. One is immediate

the undermining of trust and co-operation with the other republics. The other is long-term: the success of a market economy depends on the growth of a system which, in economic terms at least, is ruled by the law. But the confiscation carried out by the central bank is a huge blow to the whole idea of legal progress in Russia.

Rouble fever, page 13
Leading article, page 15

NEWS IN BRIEF

Italian lorry strike settled

Rome: Italian lorry drivers yesterday agreed to end a three-day strike that had threatened to disrupt holiday traffic and create shortages of petrol and basic goods (John Phillips writes).

The office of Carlo Azeglio Ciampi, the prime minister, said union leaders representing more than 100,000 small and medium-sized haulage firms had accepted an offer of a tax bonus of 200 billion lire (\$80 million) as well as permission to increase state-controlled haulage tariffs by between 2.5 and 3.5 per cent. The strike, originally scheduled to last for 15 days, caused some panic-buying of petrol and foodstuffs and threatened the cancellation of ferries to Sardinia.

Dam approved

Peking: China's state council has approved the first building stage of the Three Gorges dam, the People's Daily said. The dam across the scenic Yangtze river will cost \$6.5 billion and will require the resettlement of up to 1.3 million people. (Reuters)

Briton charged

Bangkok: A Briton, John David Russell, 44, has been arrested and charged with conspiring to engage in heroin trafficking after an international police operation broke up a smuggling ring. A British official said. Twelve others were arrested. (AFP)

Kim comeback

Seoul: Kim Yong Ju, the younger brother of President Kim Il Sung, once considered a potential successor to the Stalinist leader, has made his first official public appearance for 17 years, according to the official Naewoe Press of South Korea. (Reuters)

Raft checks

Tokyo: Tim Severin, a British explorer, who set off to America from Hong Kong on a bamboo raft in May, stopped to make final checks in Japan before beginning a non-stop voyage across the Pacific next week. (AP)

Balkan leaders sit down to discuss end of war and partition of Bosnia

FROM EVE-ANN PRENTICE, DIPLOMATIC CORRESPONDENT, IN GENEVA AND JOEL BRAND IN SARAJEVO

THE final solution to Bosnia-Herzegovina's war seemed under way in the manicured city of Geneva last night, where Serb, Croat and Muslim leaders met for rare face-to-face negotiations.

The meeting brought together President Izetbegovic of Bosnia, a Muslim, Dr Radovan Karadzic, the Bosnian Serb leader, Mate Boban, the Bosnian Croat chief, and Presidents Tudjman of Croatia, Milosevic of Serbia and Bulatovic of Montenegro. Earlier Lord Owen, the European Community peace negotiator, had cautioned not to expect a breakthrough in the talks.

"Negotiations are progressing," said John Mills, Lord Owen's spokesman. The apparent breakthrough came after Mr Izetbegovic and the majority of Bosnia's multi-ethnic presidency held talks on Monday and earlier yesterday with Lord Owen and Thorvald Stoltenberg, his co-negotiator. The president had been under intense pressure to come to the negotiating table, both from the international community and his divided presidency.

The last time the protagonists met was in New York in March. "Everyone is aware this effort has to work," Mr Mills said. "The message to the Muslims is negotiate or perish. They have come with a willingness to be realistic. If they want to be practical they

can secure a solid future." Serbs and Croats have devised a plan to divide Bosnia along ethnic lines after conquering the majority of the lands they want, leaving the Muslims to pick over the fine print for whatever they can salvage.

Diplomats said the thrust of the talks now was to prevent the Muslims being left with landlocked territory by giving them access to the Sava river and the Adriatic. The Muslims also want to ensure a multi-ethnic status for Sarajevo.

Sarajevo: French UN troops came under fire here yesterday for the second time in two weeks when two shells hit a television building where they were setting up a communications base. A Reuters photographer who was there when the shells struck, said about 120 French soldiers were at the building, also being used as a base by foreign news broadcasters. After an artillery bombardment of French soldiers in Sarajevo on Sunday, UN commanders blamed the Bosnian Serbs and threatened to retaliate if attacks were repeated. (Reuters)

vo. Dr Karadzic said the talks were make-or-break for Bosnia. "I am not optimistic because the international community is not ready for peace. Somebody is encouraging Muslims to continue the war. This somebody is Germany and some individuals from the United States," he said.

Mr Milosevic was more upbeat. "It depends if we are going to talk on the essence of the problem, which is the maps. Then we are a good way to achieving a final solution."

Diplomats say that a plan which had been circulated by Mr Izetbegovic proposing a federation of autonomous regions had little chance of serious discussion.

Lord Carrington, the EC's first mediator in the war, proposed in March 1992 that Bosnia become "one state composed of three constituent units based on national principles and taking into account economic, geographical and other criteria". Under the Carrington plan, Serbs and Mus-

there is little hope in Sarajevo for a negotiated end to the fighting. Agreeing to the proposal on the table in Geneva would be tantamount to capitulation by the Bosnian presidency, an admission of defeat. The point of the war, for the Bosnian side, has been to maintain a multi-ethnic state.

The confederation proposed by Dr Tudjman and Mr Milosevic would be three sovereign states in one federation. Any of the three would have as much right to leave this new confederation as Slovenia, Croatia, Bosnia and Macedonia did in leaving the old Yugoslavia. In reality, the Serbs and Croats see the confederation as a way of breaking up the republic with the blessing of the international community.

But it is unlikely any of the military forces in the republic would halt their offensives. Many leading UN officials privately concur that General Ratko Mladic, the Serb army commander, and not Dr Karadzic, is at the helm in Pale, the Bosnian Serb headquarters. There is little incentive for General Mladic to agree to a three-way partition of Bosnia when a two-way split with the Croats is within his grasp.

As for the Bosnian army, there is a possibility that rogue hardline commanders would either ignore any peace accord or would stage a coup.

Photograph, page 20

Trabis splutter onto Budapest scrap heap

FROM ADAM LEBOR IN BUDAPEST

THE Trabant, spluttering symbol of Eastern Europe's communist regimes, is finally headed for the scrap heap.

Budapest city council has launched what it claims is the first ecologically sound trade-in programme in an effort to cut down the pollution caused by the rattling two-stroke engines. On some days grey clouds of exhaust smoke hang over the Danube, contributing to high levels of respiratory and bronchial complaints.

One in five cars in Budapest is a Trabant and owners of the 120,000 cars, as well as drivers

of East German Wartburgs registered in the Hungarian capital, are being offered up to three years' free public transport if they agree to take their cars on that final ride to the scrap heap. However, few drivers are expected to take up that part of the city council's offer. Despite the old joke — "Why are Trabant drivers such good philosophers? Because they think they own a car" — many saved for years to afford their rattling fibreglass vehicles and will aim to exchange them instead.

Budapest city council is offering owners a subsidy of up to 30,000 forints (\$220) and a special five-year credit deal if they junk their Trabants in favour of a cleaner new car with a four-stroke engine. Truly fanatical Trabant drivers can save their vehicles, if they are judged roadworthy, by having a catalytic converter installed.

Zoltan Molnar, the co-ordinator of the scheme, said it should rid the streets of about 3,000 Trabants by the end of the year with Budapest completely free of the vehicles within five years.

To qualify for either the public transport pass or the credit deal, owners must have been resident in Budapest for at least three years with a car in working order that was purchased before June 1, 1992. But true to the legendary Hungarian business spirit, some would-be entrepreneurs are already trying to cash in by buying up stocks of Trabants lying in gardens and garages.

"Some enterprising people have bought up to ten cars and are trying to trade them in," said one council official.

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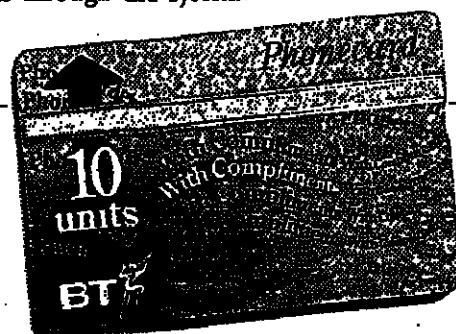
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While British parliamentarians were voting on that treaty, other Europeans were putting their party hats on

Friends in continental places

I priggish grandchildren should one day ask me "Where were you in the Maastricht Fiasco, Granny?" I shall have an answer. I know exactly where I was last week while Madam Speaker's imperious soprano rose over the baying of devious parliamentarians on the radio, the franc struggled, assorted commentators explained piously that European unity is a damn tricky business, and M Tindemans expressed the shocked disapproval of the Continent for its grumpy offshore island.

I was creeping up the rough Channel which divides us. We heaved our little boat through a sleepless light in the great Seine Bay, shivering towards a particular crack in the white cliffs of Normandy. While MPs went into the lobbies for the second time and coats were turned for fear of an election, we made our Normandy landing and pulled down the mainsail in the turbulent sea off the pier of St-Valéry-en-Caux. "If

the bastards vote against it this time," my husband said, "the harbourmaster might not let us in. French fishermen hate us, don't they?" At which point an inflatable dinghy bounced excitedly out of the harbour mouth, its helmsman pointing at our brown gaff sail and Red Ensign and yelling "Vous êtes ici pour la fête?"

"Quelle fête?" I cried fluently. The fête of the sea, he said. Before we had been tied up by half a dozen hands to a buoy, we had more or less grasped the situation. Everything was free all weekend, including breakfast, supper, sea shanties and a *vin d'honneur* with the mayor, provided we hung up as many coloured flags and hammocks as possible and generally enhanced the harbour scene. St-Valéry-en-Caux, blithely unbothered by the plight of the franc, had decided to extend its annual religious celebration of sailors and the sea by imitating last year's vast traditional boat festival held at Brest.

The fact that St-Valéry's harbour is approximately one hundredth the size of Brest was immaterial. By the time we arrived, they had already crammed in two tall ships, thirty-odd old boats from assorted European ports, and a thing from St Petersburg with a home-made galleon stern mounted on the remains of a wrecked Lake Baikal fishing boat. This — the brigantine *Avosj* — just happened to be passing when it was, like us, captured by hospitality. Its sole English speaker, a self-possessed child called Peter, was selling Lenin badges on the pontoons and



LIBBY PURVES

handing out leaflets saying: "The private company Gladkov & Sons is an independent organisation aimed at the reconstruction of Russian fleet, the building and exploitation of small and large ancient vessels and teaching Russian people navigation." They are on the way to Vietnam. Apparently.

The smaller boats — hailing from Eindhoven to Falmouth — were variously bedecked, some with signal flags and others (from Sussex) with original garlands of beer bottles up the foremast. The next thing I remember was that we had missed the second vote on the radio but were wrapped around an imprudent amount of red wine and *charcuterie* in a striped tent. I recall leaning on a strange Dutchman and being conducted with a mug by M Blanquet, the deputy mayor, in a bawled refrain of *A la santé du Roi de France et merde aux Anglais!* Not, M Blanquet assured us, looming in his Breton smock, that there was anything personal. I assured him that we entirely understood, having some rude songs about Napoleon ourselves, and then the Dutch decided

to do us honour by breaking out into "My Bonnie Lies Over the Ocean", and the moment passed. The next morning the RNR training boat *Oliver Twist* came in with a killed piper on deck to mark the liberation of St-Valéry, at great cost, by the 51st Highland Division at the end of the war. Later there was a naval battle between a polyglot gang of pirates on a British boat and some impressive French Vikings.

As I write, a stout euphonium player and a thin piccolo player, apparently escaped from the *Bande de la Marine* after their fifth march round town, are serenading the English boats with "Colonel Bogey". M Blanquet himself was last seen leading the *frères* queue in song. All attempts on our

part to opt out of the Social Chapter and get some sleep have been foiled. Attempts to discuss the European crisis lead only to hilarious dampings of *la politique* of all nations. It has been a salutary reminder of how very far from real life all politicians permanently are.

And do not say, a summer festival is not real life. On Sunday, in a gale of rain, we walked in procession round the harbour to Mass with the lifeboatmen, mayoral party, RNR and local *pompier*s. There, under the high chalk cliffs where French, British and German boys died half a century ago, a silent crowd stood under umbrellas while the piper (Presbyterian or not) skirted gently during the consecration and the flags of all Europe blew out overhead.

Afterwards, an old lady observed that it had brought back memories. "We know, we Cauchois," she said, "what happens when Europeans are not such good friends."

The politics of precedents

Lord Rees-Mogg's case has made a clash between Commons and courts all too likely, says Jonathan Clark

Tony Benn is the most historically minded of our politicians. Speaker Boothroyd's rejection of judicial review, he argued, could be compared with Speaker Lenthall warning Charles I not to interfere with the House of Commons. If even Eurosceptics like Mr Benn are willing to side with the Commons against the courts, the potential exists for a constitutional confrontation not seen for centuries.

One of the necessary conditions of modern English politics has, after all, been our non-political judiciary and armed forces. But this was not always so. Nor have other pillars of the establishment invariably been content with a supporting role. Of the two traditional learned professions, the church has produced a series of turbulent priests down the ages.

Clerics inviting submission to the powers that be proved lastingly subversive. By contrast, lawyers speaking the

constitution. Both sides have appealed to the Bill of Rights. Tony Benn and Betty Boothroyd treated its Article 9 as a defence of the Commons against the courts. But this was a historical mistake.

The clause defended the free speech of the individual MP, not the balance of courts and Commons, and was prompted by a specific grievance: the use of "informations", legal instruments by which a Crown officer could bring someone to trial directly, without the safeguards of previous indictment before a grand jury. This loaded the dice in favour of the prosecution, and it was the use of informations in political trials to which this clause was a reaction. But the Bill of Rights provides no safeguard against judicial review, so the possibility of a clash between courts and Commons is real.

It is equally a historical mistake to think that England ever enjoyed what Montesquieu called a "separation of powers": it is their close inter-



Charles I: warned not to interfere

gration which now gives scope for constitutional conflict as they pull apart. This did not happen while the courts accepted that sovereignty lay with that strange English hybrid, the Crown-in-Parliament. Membership of the United Nations first gave rise to fears of a loss of unitary sovereignty. This doctrine is still the starting point for Lord Rees-Mogg's case that the sovereign is unconstitutionally divesting itself of its authority. His argument that the Bill of Rights bars such a surrender is ingenious.

Again, that Act was specifically aimed against James II's claim to wield a suspending and dispensing power rather than against any fear that sovereignty would be surrendered. The constitution provides few explicit safeguards against the unthinkable or absurd — that the prerogative of mercy should be used to release all prisoners at a stroke — or the prerogative of creating peers to abolish the Commons by making all subjects dukes.

It is more likely that the courts will agree with the narrow argument that the procedure adopted in the European Communities (Amendment) Act, 1993, does not satisfy the requirements Parliament laid down in the European Assembly Elections Act, 1978. The law lords may well be persuaded on these limited grounds. But a geriatric has been let out of an ancient bottle, and it will not stop there.

In 1992, the law lords ruled in *Pepper v Hart* that what is said in Parliament can be used by the courts in deciding the meaning of statutes, so overturning a centuries-old ban. Yesterday they ruled that a former home secretary, Kenneth Baker, had been in contempt by refusing to obey a court order. All the elements are in place for the development of a politicised Supreme Court, such as the American one.

Demands for an elective judiciary can only grow. An English Clarence Thomas case is surely far off, but the constitution will equally surely evolve in ways which would have delighted Sir Edward Coke.



Sound words: Bill Clinton (second from right) meets congressional leaders at the White House. Dan Rostenkowski, who faces fraud charges, is in the centre of the group

Clinton's fixer in a mighty fix

Dan Rostenkowski, a politician of the nod-and-a-wink school, is vital to the White House. Yet, Martin Fletcher reports, he may soon have to resign

Immediately after Bill Clinton was sworn in as America's 42nd president on January 20, he attended a lunch with congressional leaders on Capitol Hill. During the meal he pointed to the rumpled, barrel-chested figure of Dan Rostenkowski. "That's my man," he told the congressman's wife, LaVerne.

With a Democrat in the White House for the first time in a dozen years, these should be glorious times for the gruff, tough Chicago politician, the fitting climax to 18 terms and 34 years in the House that have made Rostenkowski one of America's most powerful men.

He is chairman of the House Ways and Means committee, which controls the nation's tax code, its trade law and its health and welfare systems. His vast legislative experience, his flair for cutting deals, his knowledge of just what it takes to secure a colleague's vote, make him crucial to the success of Mr Clinton's legislative programme. But just as it seemed to be coming together, just as Rostenkowski was being courted by everyone from the president down, his life and career are falling apart.

For a year, federal prosecutors had been pursuing allegations of fraud against Mr Rostenkowski — charges that he paid himself and his family \$73,000 from campaign funds to rent an "office" in a Chicago building they already owned, that he spent \$68,000 of taxpayers' money to lease cars that a Chicago dealership later transferred to his name, that he swapped congressional postage stamp vouchers for \$21,000 in cash at the House post office.

Last week the investigators got the break they had longed for. They "turned" Robert Rota, the former House postmaster. In return for leniency Mr Rota directly implicated Mr Rostenkowski in the cash-for-stamps scandal, corroborating the earlier evidence of another former post office employee, James Smith.

The noose tightened further with news that Virginia Fletcher, a trusted aide for 30 years, had also agreed to testify against her former boss. Mr Rostenkowski is now racing to

complete passage of Mr Clinton's \$500 billion deficit reduction package before a seemingly inevitable Grand Jury indictment compels him to surrender his chairmanship. At the weekend he hired Robert Bennett, the Washington super-lawyer, to defend him — even as he defiantly declared his innocence. "I want to make it absolutely clear that I have committed no crime and have engaged in no illegal or unethical conduct."

The riddle in Washington is why Mr Rostenkowski would have risked everything for such relatively paltry sums of money. He has displayed little interest in acquiring great personal wealth. He still lives in the house in a working-class Chicago suburb that he inherited from his father. Had he chosen to retire last year, the 65-year-old congressman could legally have taken with him \$1 million in unused campaign funds.

The answer may be that Mr Rostenkowski lives by an outdated code of ethics. He is the last great representative of that breed of politician who firmly believes in the perks and privileges of high office, in the need to oil wheels to get things done.

He is the son of a powerful ward boss from northwest Chicago, a protégé of Chicago's notorious Mayor Richard Daley and a product of that city's once-mighty Democratic machine. What he covets more than anything is absolute control.

The hours Mr Rostenkowski works are legion. He openly chafes at new restrictions on congressmen's incomes and speaking fees, believing himself underpaid, but he has no peer when it comes to tapping the resources legally available to Washington's political elite.

He has two passions outside work. One is the 15-cours steakhouse washed down by Chateaufort-Du-Pape that he consumes almost nightly, lob-

byists or his campaign contributors picking up the bills. The other is golf, which he plays on America's best courses and almost entirely at the expense of others, using campaign funds to finance golf pros, caddies and emblazoned sweaters for his friends.

He lives in a world of nods, winks and mutual favours. Last week it was revealed that a crony had put two of his four daughters onto the Chicago Board of Trade while they were still employed as air hostesses. Defending Mr Rostenkowski, Mayor Richard Daley Jr pointed to the billions of federal dollars the congressman had funnelled Chicago's way.

As in Chicago, Congress had until recently its own elaborate Democratic patronage system under which officers prospered by smoothing the lives of congressional giants like Mr Rostenkowski. It was through Rostenkowski's sponsorship that Mr Rota rose to become House postmaster after 35 years and Mr Smith

became the supervisor of accounts. Federal prosecutors last week asserted that Mr Rota told Mr Smith to exchange stamp vouchers for cash "because Congressman A (Rostenkowski) took care of them and they should take care of Congressman A in return".

Mr Rostenkowski appears genuinely stunned and bewildered by the charges against him, which he asserts are politically inspired. Friends say it has sapped his famous energy and spirit. Asked how he is doing, he shoots back: "How the hell do you think I am doing?"

At a White House lunch last week, Mr Rostenkowski sat grimacing at Mr Clinton's side while the president fended off reporters' questions about his conduct. It was an odd alliance of a new reformist president and an old machine politician, but a necessary one. For all his idealism, Mr Clinton knows that without Mr Rostenkowski's matchless brand of wheeler-dealing — warts and all — Congress may well ditch his healthcare reforms, the North American free trade agreement and other key legislation this autumn.

John McVicar does not want his son to be a criminal too. Martin Ivens celebrates the virtues of the family business

IT HAS been the perennial disappointment of ambitious, self-willed fathers that their sons have failed to take up the family business. John McVicar, the former professional criminal turned journalist, has provided a novel twist to this conflict by remonstrating with his son for sleeping in his father's footsteps.

Russell Grant (who uses his mother's maiden name) recently escaped from custody while facing charges of armed robbery, the offence for which his father became notorious. Mr McVicar accuses his son of deliberately spitting him. The boy suffered from the textbook evils of a single parent family. Mr McVicar was away doing time, never married the boy's mother and had not the slightest intention of doing so. Grant, says his father, first idolised him, then hated him and finally mixed the emotions in an uneasy cocktail.

The teenage company Grant kept admired Mr McVicar as a role model for his proverbial "hardness", not for his writing skills. Mr McVicar had a cruet of "bottle" and was Britain's erstwhile "most wanted man" he was living granite he is still the only man to have escaped from Durham prison's maximum security wing.

Following in father's footsteps

Successful fathers can obviously bring out good as well as evil in their sons. Scientific families such as the Huxleys, Medicis-like figures like the Rothschilds (able to juggle finance, the arts and science) alongside political dynasties such as the Churchills, the Heathcote-Amorys and the Kennedys provide glittering examples to successive generations. But the weight of the past is often intolerably burdensome for children in exceptional families who would prefer to live a normal life and overlook their fathers' achievements.

In the Churchill family only one political genius like Sir Winston is acknowledged to emerge per 20 generations. The rest may not end up like the Marquess of Blandford but expectations of Churchills who go into politics

can seldom be fulfilled. The Kennedy succession is notoriously troubled. Irish political cunning has been handed down from generation to generation — but so has drunkenness, womanising and corruption. The sins of patriarch Joseph Kennedy, the bootlegger, the adulterer, the lobbyist of his daughter, have been visited on his numerous progeny.

Some call it nepotism when a son follows his father's career, but specialist knowledge acquired through family background and experience cannot be unlearned. This is as true for secretaries as for statesmen. Just as the 19th century understood the difference between despotism and its enlightened despotism, so the 20th century should learn to discriminate between nepotism and enlight-

ened nepotism. If only the young McVicar had exploited his father's notoriety to turn gamekeeper rather than poacher and set up a security business he may well have been a rich man by now.

Those fathers who wish their sons to take up another trade can be altruistic like Mr McVicar or the proverbial miner who does not want his boy to go down pit; but sometimes they do it to avoid the competition. Thomas Mann had deep misgivings about his children following in his literary footsteps. His son Klaus became a fine novelist, but never overcame a sense of failure, and killed himself.

John McVicar hopes that when his son's troubles are over he can help his boy go straight: "Maybe I can get him to take up the pen again — this time to write publishable copy, not to copy other people's signatures." The novelist Nicholas Mosley, son of Sir Oswald, the British Union of Fascists leader, came to terms with a father with a disreputable past. He wrote his biography brilliantly, warts and all. Young Russell Grant should reach for his pen not a shooter.

The author is the son of Michael Ivens, director of Aims of Industry.

THE TIMES WEDNESDAY JULY 28 1993

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A lifetime of living dangerously

Since she was a teenager (left) scandal has dogged Françoise Sagan. Now 58, she assured Charles Bremner that she would never grow up



When a celebrated French woman of letters nears the end of her sixth decade, her publishers put out collected works and there is talk of an approach from the Académie, one might suppose that the time had come for her to relax and rest on a few laurels. Such logic does not apply, however, when the writer is Françoise Sagan. The teenager *terrible* of the early 1950s, the bourgeois nymphette who scandalised France with *Bonjour Tristesse* and followed up with *Aimez-Vous Brahms?* and other little novels of love and wit, has survived the strictures of literary fashion to emerge as something of an institution.

Robert Laffont has just issued 14 of her 21 novels plus other pieces in a hefty single volume under the title *Oeuvres*, and... *et toute ma sympathie*, a set of essays and reflections, is nearing the top of the best-seller lists. What makes Mme Sagan unusual is that at the age of 58, she is clearly determined not to grow up, at least not in that means giving up her devotion to romance and life on the edge, that pursuit of intensity and excess which goes with her famed affection for speed, gambling and drugs and her contempt for the taxman.

The legendary restlessness is plainly visible when you visit Mme Sagan at her new Left Bank home. This light, spacious, corner flat at the top of an old building near St Germain des Prés, is the latest in a series of rented homes. She shares it with Denis, her 30-year-old son from her marriage with Robert Westhoff, an American sculptor. Nineteenth-century oil paintings hang on the walls and an old Pleyel grand sits alongside a high-tech pile of television, VCR, stereo video-game and remote controls.

"I've been here six months. Actually, I've slowed down the rhythm of my moves. It used to be every two years but now it's every five or six," she says.

as her little black Scottie called Fouillis (Jumble) inspects the visitor. "It's fun to change *quartier*. You change shopkeepers and bistros. You don't have to keep having the same conversation with the waiter." She also owns a farm-house in Normandy, a place once owned by Sarah Bernhardt, but the rented flats are a symbol. In the new book, she devotes a rare poem to these temporary havens where she "does everything to flee, everything for denial". It is in the poem that she defines herself as "this bizarre woman, childish and messed up."

There is something waif-like and a little sad about the awkward, fragile woman in paisley shirt and trademark slacks who sits on her sofa chain-smoking as she submits once again to questions about a life which has been as chaotic as it has been successful. A long blonde fringe covers her forehead as it has done since she hit the headlines at the age of 18 and became a myth somewhere between Bardot and James Dean. Her movements are impulsive and girlish and her voice is a barely audible susurration, that keeps fading away mid-sentence. Mme Sagan still comes over every bit the *"charmant petit monstre"* as François Mauriac called her, despite a lifetime of hard living and hard work, near fatal car accidents and a bout with alcohol that almost destroyed her pancreas.

"It's true, they did approach me about the Académie," she says of the rumour that she was sounded out about becoming the fourth woman ever to join the 40 "immortals". "But of course I refused. I can't imagine myself being pigeon-holed. I've never accepted decorations and honours."

The esteem of society has never been a concern since the day the young Françoise Quoiriz, the daughter of a southern industrialist, took the name of Proust's Princess Sagan and produced her manuscript of a blasé summer

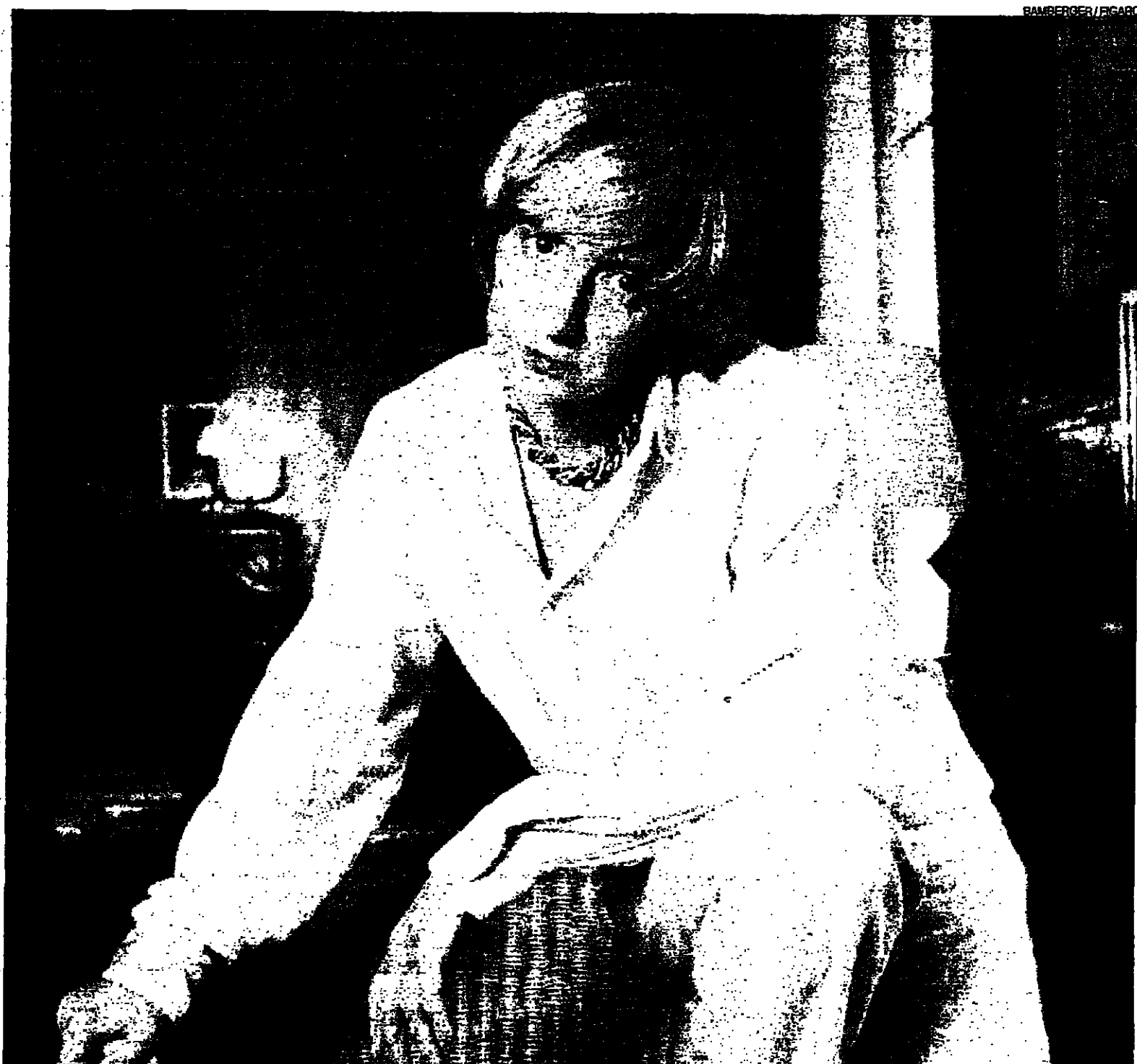
of love and intrigue at St Tropez. Twice divorced and living dangerously like the heroines she writes about, she has made and lost fortunes and fought the tax collectors and the courts. She asked the Interior Ministry to ban her from casinos for five years, because her passion for gambling was so costly.

And her brushes with the law over cocaine have fuelled the news in recent years. In 1990 she was given a six-month suspended sentence for possession and she is awaiting trial on new charges brought in March on the word of a dealer who shopped her. How dare anyone tell her what to do, she says.

"Drugs are stupid and dangerous, but I was put on this earth for 50 or 60 years and I pay my taxes and obey the laws so I wish they would just leave me in peace. I'm not going to say 'Oh no, I'll stop taking drugs.' If I feel like taking something that's my business." She also claims to obey the highway code, though she still loves driving her Mercedes and her Renault Turbo fast at night.

She is amused by the way she is lionised as an author while policemen are sent round to search her house, as they did in March. "They found nothing, but it was odious. It's grotesque, this business of judges and trials. In America they write theses on me. In France they treat you as a mental case and throw you in prison." Prosecution seems to come during election campaigns, she says, suggesting that she is a political target because of her left-wing faith and long friendship with François Mitterrand. The president is sorry about the prosecutions, she says, "because he thinks it's partly his fault."

A group of close friends have stuck by Mme Sagan through thick and thin. They include Juliette Greco, Florence Malraux and Bernard Franck. One of her closest



While her literary reputation continues to rise, Françoise Sagan remains famous for her love of excess — whether it be fast cars, gambling or drugs

friends, Jacques Chazot, the dancer and satirist, died two weeks ago.

Left-wing beliefs were, for a long time, all Mme Sagan shared with the intellectual establishment. While the writers of the New Novel churned out their high-minded and often unreadable stuff, she was patronised as a sort of French Jacqueline Susann, a specialist in the romantic intrigues of a *petit milieu mondaine* and a *demi-monde* of gigolos and hangers-on. It was noted in passing that she does manage to perform her "petite musique" with a deliciously light style. In recent years, however, the critics have forgiven her success and have started calling her a modern Colette and comparing her to Waugh and Nancy Mitford. In her gentle satire, she is, say some, the literary equivalent to the cinema's Eric Rohmer or Louis Malle. Her recent works, *La Femme Fardée*, *(The Painted Woman)*, *La Laisse* *(The Leash)* and *Les Faux Fuyants* *(The Evasion)*, have been well received as well as big hits. The other day, the distinguished novelist François Nourissier compared her to Scott Fitzgerald, saying "It's in gaily, disenchantment, a certain sadness against a background of naughtiness that

Sagan comes over her best." These qualities can be found in the new book, a whimsical collection which includes pieces on Ava Gardner, Gorbachev, Fellini and Catherine Deneuve as well as brief memoirs of childhood, a wickily funny sketch of a television talk show and an essay in praise of race horses.

She says she is flattered by the literary comparisons though she laughs at her consecration. *La légèreté*, a lightness of touch, has always been her ruling force. "I have not changed a bit. It took them 30 years. I think they just got

exhausted and worn down with their criticism. But scandal will always be attached to my name. I think when I'm 90 years old, they'll try to send me to prison. All my life I'll be the eternal naughty schoolgirl. In a way it helps me feel younger."

However, she is heartily tired of being condemned since youth to have to drag *Bonjour Tristesse* around "like a ball and chain". "It's funny. Women use it to make themselves sound younger than they are. I have 70-

year-olds come up to me saying 'When I was a little girl I read your book and I got a spanking for it.'"

Of course, what was considered risqué in 1954 is quaint in 1993 and Mme Sagan's tales have the feel of a bygone age. The world, she says, has lost its values, "obsessed with the question how and never asking why", and the young of today are under a lot of pressure. "I had incredible luck because just when I grew up the Pill came along. When I was 18 I used to die with fear of being pregnant but then it arrived and love was free and

without consequence for nearly 30 years. Then Aids came. Those 30 years coincided with my adulthood, the age for having fun."

Why, one wonders, has she not thought about writing full memoirs rather than issuing the occasional personal essay and poem. "The idea really turns me off," she says. "I'd have real problems too. They'd send me straight to prison! But seriously, I have a terrible memory. I only remember the good moments and I haven't kept a diary since I was 14. Anyway, my private life really only concerns me."

Trouble with rouble fever

How our correspondent found herself on the headline in Moscow

Aeroflot's Dushanbe-Moscow flight was struggling into the clear blue skies above the Commonwealth of Independent States on Sunday morning when my neighbour turned round and told the man behind her that there had been a reform in Moscow. "What another one?" he said with barely a flicker of interest. "A currency reform," she said. In his agitation, he nearly dropped the three melons he was nursing.

Within two minutes the plane had been swept by rouble-fever. Calculators were activated, wallets and pockets searched for old money, heads clutched when everyone realised that their wads of high denomination notes were pre-1993 and thus obsolete from the next morning.

The aircraft was full of stall-holders returning from Pakistan via Tajikistan, having laid in a good load of tat to sell in Moscow. Short of a return to communist laws forbidding pavement selling, or an aesthetic dictat against the distribution of purple shell-guis, this was the worst thing which could befall them.

My own roubles were weighing heavy in my money belt. It is so far these days because of the demands of inflation that I look like a kangaroo with young when I'm travelling. Cleverly noting that the dollar was beginning to lose slightly against the rouble last week, I had changed lots of greenbacks into crisp, pink 10,000 rouble (7) and 5,000 notes to fund the journey to Tajikistan, pay the

office bills and the gas and telephone repair man. "Citizens of foreign countries," the Central Bank announced with disgusting sprightliness, "will be permitted to exchange 15,000 old roubles for new immediately (E10)." We would be given only one day to collect our money because, well, because we were foreigners and the Russian tendency to xenophobia triumphs over nicer instincts at times like this.

The queue outside our local bank by 10am on Monday was so long that an official had to be dispatched to keep a list of names. I was number 1,067. The queue was moving at 60 people a hour so by Wednesday I would be able to change my roubles. Except I wouldn't, because being a foreigner, I had to do it today or not at all.

Viktor Gerashenko, chairman of the Central Bank and now the most unpopular man in Russia, instructs me to put the rest of my cash roubles into a state savings account for six months - where it will earn interest at one-seventh the rate of inflation. There is a scam similar to this one pulled on unsuspecting newlyweds around the Palace of Weddings in Moscow. An "insurance salesman" offers the

couple a contract under which they lay down a certain amount of money. They lose it if they divorce within a year (Russians are pessimists about such matters). But if they remain together, they will get back four times their deposited amount after 12 months.

Those unfortunates whose arithmetical abilities have been impaired in the first flush of married life sign up before realising that they will have given away nearly half the value of their money by the time their first anniversary comes round, more if it continues to gallop ahead at the present pace. The Moscow papers recently exposed the rip-off and warned prospective brides and grooms to be on their guard. They are at a loss about how to advise their readers when it is the Central Bank doing the fleecing.

Yesterday Mr Gerashenko popped up on Tass declaring that he had "not meant anything vicious by the reform", which was strangely uncomfortable for the circumstances. He had only meant it to curb inflation which was reaching "intolerable proportions". The main reason for the rouble's depreciation, however, has been the refusal of the Bank to tighten its credits over the past year and a half. Its motto

could well be, "The bank that likes to take out its stupidity on the nation."

I am quite an old hand at currency reforms, having been a resident of East Berlin during the summer bonanza of summer 1990 which changed the weakening ostmark into the strongman Deutschmark at a wave of Bonn's wand. I have to say that the Germans are better at them than the Russians. Then 4,000 of my ostmarks (value: E300) disappeared briefly to be replaced by 4,000 Deutschmarks (value: E1,350). Now fate has caught up with me.

When I woke up on Monday morning I had precisely 300 valid roubles to my name (22 pence). The hard currency kiosks had ceased trading in confusion over the rouble's worth (what rouble? what worth?). On the street the dollar was fetching up to 2,000 new roubles, but because of the limit on exchanges, there were hardly any new notes to be had. Eventually, we begged, wheedled and dealt our way to a \$20 transaction, but the notes were in large denominations and the shops had not yet been issued with change.

Along with the other disgruntled customers of the area, I went in for a loaf of bread and came out with six. So the bread supplies ran out by four in the afternoon and life, it was widely agreed, was as absurd, bureaucratic and frustrating as it had been in days of Soviet yore, only more expensive.



ANNE MCELVOY

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Alan Coren



■ One day they'll come and ask, 'Can we have our balls back, please?'

I can only be a matter of time, and a very short time at that, before Wilson want their socks back. Worse yet, they will in all probability despatch a man to Brondesbury Lawn Tennis Club to get them. I shall be serving at match point (not, of course, mine), and the wanky door at the end of the court will suddenly creak open, and the man will stride on and hold up his hand — possibly, even, blow a little chromium whistle — and I shall turn, and he will say, "Good morning, Mr Coren, I am Norman D. Simmonds of the Wilson Hosiery Division, here is a company cheque in full refund for your socks, would you take them off please?" I shall say, "I'm sorry, I don't understand, is there anything wrong?" and he will cry "Is there anything wrong? You are playing Mr Ian Millar, who is not merely ten years older than you, but has recently had a new knee fitted, and you are 1-6, 1-5, and love-40 down, and you ask me if there is anything wrong? We at Wilson sold you those socks in good faith, they are emblazoned with our logo, a mark of quality wherever discerning sports-persons foregather, and the statement they are supposed to make is that people perform better in Wilson socks, but you are playing, if that is the word, in such a fashion as to bring our great name into disrepute and jeopardise the jobs of our entire workforce. By the way, is that also a Wilson ball you were about to throw up and hit into the net with the rim of your racquet?"

At this, there is a shout of "No, it isn't!" The shout comes not from me, but from another man who has insinuated himself onto the court. He carries a smart briefcase bearing the legend Slazenger (Balls Dept.) Ltd., which he now snaps open in order to serve an injunction restraining me from causing further distress to his company. He also has a petition signed by 16 householders who live adjacent to the club enquiring why it is only Slazenger balls which fly over their fences at a height of 60ft, thereby causing serious damage to windows and hydrangeas and, in one tragic case, irreversibly reducing a ginger to a vegetable. Even while he is explaining this, I become aware of a strange sensation at my left breast, and look down to discover a tiny Lacoste seamstress deftly unpicking the little green crocodile from my shirt pressed, she confides that a recent shareholders' meeting expressed concern over the company's ability to survive another year of that unique cross-court running backhand I do where I bounce off the side netting and reduce the umpire's chair to matchwood, an observation which prompts a mutter of "Yes, but have you seen his forehead valley?" from a Dunlop executive who has sprung out of the courtyard shrubbery, snatched my Dunlop racket, thrust it into my Dunlop bag along with the Dunlop tracksuit I had incautiously hung on the net-post, and is now awaiting the first opportunity to unlace my Dunlop shoes so that the various pieces of embarrassingly escutcheoned kit can be totted up against a credit note allowing me to purchase any other Dunlop item, provided it is in no way connected with tennis, what about a nice new tyre, sir, or is there something I should know about your driving?

Yes, it is an iffy business, badging. While it is one thing to have Pete Sampras publicly endorse your range of sporting goods, it is quite another to have it demonstrated equally publicly that it is not your range of sporting goods that made him Pete Sampras. Nor does it stop at sporting goods: in the sweet lang syne, King George VI could run around Wimbledon unencumbered by a slogan on his flannels testifying that Robertsons were jam-makers by royal appointment, but these days the more illustrious the competitor, the likelier it is that he will turn up looking like the window of a village shop, decorated caped with the iridescent decal of everything from potted shrimp to patent head-salve, which is all fine and dandy as long as he is at the top, but misery for countless marketing departments as age or luck or injury or sheer ineptitude begin to shuffle him down the computer ratings. Which brings me to Monday. On Monday, I watched the Ashes go. They went to a team with XXXX on their shirts. The shirts of the losers said Tedley's Bitter. I'll bet he is.



"WHY DOES A COMPLETE WIMP LIKE ME KEEP ON WINNING EVERYTHING?" (JOHN MAJOR ON TAPE)

Justice in black and white

The new constitution for South Africa must represent the aspirations of all the country's people — including the Zulus

So what is new out of Africa? I sometimes think, only blood. Foreigners complain that Britain takes an interest in them only when they kill each other. Other serious political analysis and the response is a yawn. To get the yawn turned to a gasp, it is necessary to turn to gun-toting whites to death during a church service.

Last Sunday's slaughter at St James's Church, Kenilworth, near Cape Town was awful. But like similar outrages in Bosnia, Somalia, Ulster or Lebanon, it means nothing unless those whom it was designed to influence, in this case South Africa's constitutional negotiators, allow themselves to be influenced. If they do, then the terrorist has won and we join him on the merry road to hell. That is why the ideal response to terrorism is to ignore it.

What mattered in South Africa last weekend was the Zulu rally in Soweto prior to Monday's publication of a draft constitutional plan. The rally led to only one, black, death and thus stayed on the inside pages. The plan is South Africa's own business. What gives it wider interest is its unique genesis. What happens in South Africa from now on could yet be an example, good or bad, to every ethnically divided country trying to achieve or sustain democratic consent.

South Africa has for the past five years been seeking to turn itself from an oligarchy to a democracy. It has done so without external compulsion or policing. There is no Lancaster House, no summons to Moscow. No meddling outsiders, no United Nations mediators, no sanctions advocates can take credit for it. The plan is South Africa's achievement because South Africa was left alone to get on with it. The lurch to the extremes that blights so much reform has not killed this one, however many postponements there have been and will be.

I have visited South Africa for 15 years and read much drivel saying that bloody revolution is unavoidable. That drivel continues whenever a headline and a cliché can be spun from an outrage. Whatever cynics may say, whites are proposing to give power to blacks as much because they believe this to be right as because they fear the result of not doing so. Now that the Soviet Union has split into its ethnic components, South Africa is about to join America and India as the last great testbed of liberal democracy as a means of ruling multi-racial communities.

On Monday, new proposals offered South Africa a multi-party transitional government and complicated democratic elections to assemblies that will write a new constitution. (I shuddered when I saw the words proportional representation: the last thing that country needs is weak government.) The continued closeness of F.W. de Klerk's Nationalists and Nelson Mandela's African National Congress in this process is remarkable. South Africa's elites seem to be in perpetual seminar. Mr de Klerk and Mr Mandela share a common language, a common country and, when I have seen them together, a common sense of the burdensome obligation. God preserve them both for the time being.

Nobel prizes are not yet in order. Three years after Mr Mandela's release, the whites are still in power. Extremist destabilisation is bound to intensify, witness the Conservatives' disruption of the talks in June and Sunday's murders in Cape Town. As black leaders enter the transitional cabinet and gain patronage, executive cohesion will start to dissolve, corruption increase. South Africa is Africa's richest big country, the safest, most law-abiding, so far the most stable. If it chooses to fail, it has a long way to drop.

The question — and at this point violence again becomes relevant — is whether the process finally agreed this week is going to lead in a promising direction, or back to a new version of Africa's dictatorial centralism. Last weekend's rally in Soweto should not be dismissed because of the self-exclusion of the Zulu Inkatha party from the constitutional talks, nor because of the eccentricity of the Zulu king and his hereditary chief minister, Mangosuthu Buthezi. Wherever multi-racial constitutions are debated, minority groups are alienated. The Zulus are a dangerously big minority.

South Africa's seven million Zulus comprise a fifth of the population,

mostly concentrated in Natal province. They may be a tribe, but the myth that tribes are archaic political phenomena (in Africa or in Europe) should have expired long ago, and been laid to rest on the streets of Sarajevo. The Zulus are better seen as post-modern politicians, as diaphanous devolutionists. They suspect any deal stitched up in Johannesburg between the whites and those black groups mostly composed of Xhosa and Tswana.

The Zulus are the most coherent and thus the strongest of South Africa's ethnic groups. Many live as migrants in the hostel settlements of Transvaal,

where their power is the power to cause mayhem. What they want is autonomy for Natal, an autonomy that apartheid's homeland policy granted them in KwaZulu and which they have extended de facto into the white-run capital of Natal. Natal today is the nearest that Africa gets to a multi-ethnic state, with power roughly shared between whites, blacks and Indians. Natal is Conrad's Far Province, a Slovenia, a Morocco. It has become a possible template for a devolved South Africa.

Whether Mr de Klerk and Mr Mandela can forge a decentralist constitution will, I believe, prove the test of their revolution. For what Natal wants today — freedom to organise its own government, levy its own taxes, run its own schools, even order its own corruption — other provinces will want tomorrow. This means a commensurate cut in the power and patronage of Pretoria: white today but possibly ANC in whole or part tomorrow. The handling of the Zulu question is thus the key to a dozen other constitutional questions, including the sense of security of many whites in the Cape and rural Transvaal.

So far the white rulers of Pretoria have found sharing power with the ANC easier than they imagined. One group of

oligarchs has chosen compatible bedfellows from among another group. The pork-barrel is a deep one. The South African defence forces have their black "officer material". White nationalist financiers and industrialists have reordered their subsidies and their contracts to help black nationalist ones. No budget is framed without consultation. Pretoria at present has something of the air of Washington before a change in administration.

What is nowhere evident is a sign of this new coalition of whites and blacks seeing any virtue in devolution — despite the ideas for further debate in Monday's draft. Devolution means loss of control and loss of patronage. Devolution is easily decided, as a way of entrenching white or Zulu power, as a revival of apartheid, as the beginning to the end of South Africa as a unitary state. That unitary state may have been an imperial construct, only sustained by a racial hegemony. But black and white insiders have a powerful vested interest in its survival.

Yet the decentralist argument is as old as Jefferson, Adams and American states' rights, and as new as Maastricht and subsidiarity. Devolution is a way of protecting the rights of geographical and ethnic minorities, and thus securing their consent to union. Ignore devolution and you invite conflict and partition. You invite violence. You risk destroying the union. In America it sparked a civil war, as it has done in Pakistan, in Ireland, in Cyprus, in Nigeria and Yugoslavia. Ask what started the rot and the answer is a bad constitution. The arbiters of central power — be they oligarchs or democrats — were allowed to entrench it and were not forced to diffuse it.

The hand that signed the treaty bred a fever. I believe the drafting of stable constitutions for communities divided on ethnic, religious or linguistic lines is near impossible. We cannot do it even in Northern Ireland. The American constitution is creaking, as is India's. Multi-lingual states such as Canada and Belgium have wisely gone for extreme devolution. All democratic power tends to centralise, and once centralised it leeches on to the agencies of centralism. The result is resentment at the periphery and ultimate rebellion.

On this great challenge, South Africa is about to hurt itself. I would offer a straightforward test of its likely success. Can it make Natal and the Zulus happy, or will they end up like Nostromo, fighting for an anarchic autonomy?

Simon Jenkins

No loyalists left?

AS DAVID Dimbleby stirs himself for his "election special" coverage of the Christchurch by-election, he seems to be getting precious little help from the Tories. They have not put up anyone to go on air and discuss the result late on Thursday night.

Jack Straw has come forward for Labour in response to the BBC's request more than a fortnight ago, as has Matthew Taylor for the Liberal Democrats. But so far there have been no Conservative volunteers to talk us through what is almost certain to be another drubbing for the party. Dimbleby will not give up his search for a government representative, warning that his programme would be lop-sided without a Tory voice. "It's a bit rude of them. The previous chairman, Kenneth Baker, was a stalwart on by-elections when the Tories were losing. He said that it was rather like going to the local fête and having wet sponges thrown at you. But he tried his teeth and did it with grace."

Central Office has told an understandably sceptical BBC that the delay in selecting a spokesman is due to the recess and

holiday plans. It is also somewhat concerned to see that none of John Major's three cabinet "bastards" is put on air. Should the delay continue, however, party chairman Sir Norman Fowler will be faced with Dimbleby's very own nuclear option: "Perhaps we'll concentrate their minds by inviting Bill Cash and Rupert Allason."

■ Ian Botham's run-in with Scottish and Newcastle Breweries, which accuses him of breaking a contract to appear at functions on its premises, brings to mind his theatre tour in 1989 sponsored by Dansk low-alcohol lager. Asked if he enjoyed his sponsor's beverage, he replied: "I only drink it when I'm driving. And I don't drive very often."

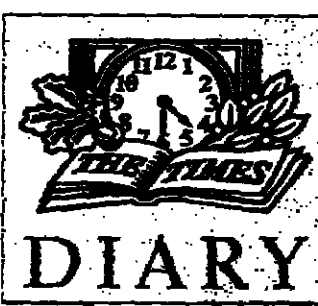
Next year's crop

THE Maastricht rebellion may be over, but the prime minister should brace himself on his return from recess for another revolt from women MPs who want a parliamentary hairdressing salon to match the Palace of Westminster's barber shop.

Glenda Jackson, Edwina Currie, Teresa Gorman and Angela Eagle are among the female MPs who are supporting early day motions demanding such a service on site. "It's unfair that men have facilities and we don't. It is symptomatic of the way women are treated here," says Eagle. The Commons barber, Stephen Silverne, refuses to allow women in his shop, but even if he did, the £4.75 cut and wash would not be ideal.

When in No 10, Margaret Thatcher had her blonde soufflé washed up three times a week by a visiting hairdresser from the Simon Paul salon in South Kensington. More often, however, women MPs have to visit the sa-

Another member for Barnet



lors. "We do a lot of MPs and their partners. They all complain at the lack of facilities in the Commons," says a spokesman.

Innings, outings

REGRETS over the resignation of Graham Gooch from the England captaincy came from every quarter yesterday, not least from Neil Foster, the Essex and former England pace bowler. Foster feels strongly that Gooch has been badly misrepresented in the press over the latest Test. "Until this tour his record was very good. He was a good captain," he says.

But his regrets over the England captain's resignation are as nothing compared with his sadness at its timing. For Foster chose the same day to announce his retirement from first-class cricket

because of knee injuries, and the press hardly noticed. "It is a pity my news did not get more space, but it's all about headlines these days," he says.

Path to the top

THE BURSAR of Benenden is perplexed by a letter from the Open Spaces Society, that doughy champion of the rambling populace. The society complains that the school, where the Princess Royal spent her formative years, is failing to look after a public footpath running through its grounds. "I am absolutely and totally flabbergasted," splutters Robin Dalton Holmes, the bursar. "There may be a little bracken here and there, but we are not talking about anything serious."

The society is adamant, however, about the state of the path, which has been renowned because of a new school building. "One of our members found it heavily obstructed. Stiles and waymarks have been erected on the new route, leading to an impenetrable mass of vegetation."

Sticks and stones

RUPERT Allason is not alone in being censured by John Major. One of the prime minister's con-

stituents has been asked to tone down her incessant tirades against him in the letters columns of *Huntington's* newspapers.

Just the other day, Connie Jeffrey, who admits she is no spring chicken, received a telephone call from from Major's long-serving agent Peter Brown, who pleaded with her to relinquish her relentless flow of criticism.

"He was extremely charming considering the way I spoke to him, and I am amazed he kept his temper. Major does read the things I have written about him," says Jeffrey. But Brown's efforts appear to have been in vain. "I am afraid I may look like a sweet, fluffy-haired little old lady, but I am not. I am not scared easily, so I am going to carry on writing angry letters about John Major."

Just for good measure, she has penned her latest missive to another local paper — in Christchurch.

■ A spate of thefts from the Sloane Hotel, a small Chelsea establishment where rooms are decorated with Victorian artefacts, has puzzled its owner, Sue Rogers. She reports that thieves have removed five Victorian truncheons in separate incidents recently. She is not blaming the Conservative whips — yet.

Now full speed into Europe

The rebels deserve no quarter, says Edward Heath

THE prime minister has spoken his mind. Because John Major's post-performance talk with his interviewer went out over almost every television network, the whole world now knows where he stands. He spoke the truth. He should not apologise.

What Mr Major revealed of his views about some of his cabinet colleagues and the anti-European rebels has been known to some of us for a long time, certainly since the beginning of the parliamentary debates on the Maastricht treaty. Many others in the Conservative party knew about the disloyal members of the cabinet, but could not bring themselves to believe it was true. Now they know.

The parliamentary proceedings on the Maastricht treaty covered a period of 429 days. During that time, the great majority of the Conservative party supporting the government in the House of Commons deliberately kept quiet in the debate. We did not want to use up government time and thus prevent it from carrying out other items of its policy on which it won the last general election. Nor did we wish to carry the warfare out into the country.

The strategy of the rebels was exactly the reverse. In more than 43 years in the House of Commons, I have seen many rebellions, but never before one in which the rebels prevented their own government from getting on with the job. Nor have I ever seen a group of rebels so prepared to defeat their own government that they would even push the country to the brink of a general election by supporting an Opposition policy — in this case the social chapter — to which they were fundamentally opposed. Which course of principle were they following?

Now the government supporters have been freed to deal with the situation. We must do so speedily and positively, in this country, at the party conference and in Parliament when it meets again. The rebels have made it clear that they will not accept the decisions of Parliament, let alone their own party. In these circumstances, there is no point trying to appease them still further. The undertakings given to them in the past by the prime minister achieved nothing for him except the accusation of weakness. Do no more for them.

It is high time that the media recognised that the Conservative party does not consist only of 30 to 40 ruthless rebels. Nearly 300 members are loyal supporters of the government's European policy.

It is reported that William Cash has demanded and been promised a seat for one of the rebels on the committee formulating the Conservative manifesto for the European elections next year. If so, this would be disastrous. His sole purpose would be to wreck Conservative European policy. And why should a man prepared to bring down his own government be given the privilege in preference to those who have loyally supported it through difficult times? The prime minister should assure the party that no such appointment will be made.

What is crucial now is that no concessions of any kind should be made to the rebels by the cabinet, individual ministers or the whips. We loyalists will not stand for it. And the time has come for the party leaders to show their abhorrence of secret groups within the party. They have sprung up during the past decade, meeting, plotting, always conspiring in their own interests to the detriment of the party as a whole. The rules should be enforced to ensure that if a member of such a clique becomes a minister, however lowly, he should immediately sever all connections with that group. And nor should senior ministers pander to them at dinner parties.

The Conservative party in the Commons has a long-established system of committees, which any member can attend at any time. These include the foreign affairs committee and the finance committee. At these committees, the present controversies can be openly discussed. Ministers attend on request, and a whip is always present. The views expressed are immediately passed to the right quarters. That is how it should be.

The 1922 Committee can also deal with each and every matter that arises. However, those who rebel on a major issue should not be allowed to remain as members of that committee.

The government and its supporters should organise a full-scale campaign to explain the details of the EC's activities, including our future under the Maastricht treaty. It is the failure to do this that has led to the weakness of support for the EC in this country.

The prime minister and the cabinet, backed by a great majority of Conservative MPs, must now embark on a full-blown European policy. This country and its people can have no future without it. If certain members of the cabinet cannot accept that, then in all honesty they should resign. Mr Major, as a resolute prime minister, will find that they can do less damage from the back benches than from within the cabinet. I do not advocate withdrawing the whip from the rebels, but it is up to their constituency organisations to decide whether they want them as their candidates at the next general election. Today, we have a chance to embark upon a new beginning and regain our position both as a party and as a government. This will not be affected by the outcome of the Christchurch by-election. We must seize the opportunity. It is a matter of national importance.



ROUBLE MADNESS

Yeltsin must now give the reformers his decisive backing

The Russian central bank's abrupt decision last weekend to invalidate rouble notes printed before 1993 was not only botched in implementation: it was economic madness and probably political subversion too. This is a disaster for Russia's band of reformers. Just as confidence in the rouble was beginning to revive, this confiscatory measure, which obliged Russians to place all but £24 of their savings in the state savings bank at punitively negative interest rates, has destroyed trust in the currency and the government's good faith at a single blow.

The bank's chairman, Viktor Gerashenko, defends this "currency reform" as a move to dampen inflation, penalise criminals, and compel the other republics in the rouble zone to abide by Russian central bank discipline. This is either naive — or, more likely, disingenuous. The source of Russia's inflationary problem is not the print on its bank notes, but the printing of them to finance excessive state spending. To confiscate people's savings is both cruel and pointless when the Russian parliament has just decided, taking advantage of President Yeltsin's absence on holiday, to pass a budget with a deficit of 25 per cent of Russia's gross national product.

Mr Gerashenko, who is no friend of reform, debauched the currency last year by issuing central bank credits cumulatively worth around 40 per cent of gross domestic product. By last January, inflation touched 50 per cent a week. Since the April referendum, he has reluctantly toed the monetary line laid down by Russia's highly successful finance minister, Boris Fyodorov — who he deliberately humiliated by never consulting nor even informing him last weekend. His primary motive is likely to have been political: to weaken the controls over monetary policy which the reformers had begun to assert.

As a member of the team which, in 1991, withdrew 100 rouble notes from circulation,

Mr Gerashenko is well placed to know that the move caused chaos, aggravated macro-economic instability and encouraged capital flight — just as it will now. It can hardly be a remedy for the problem that too much money is chasing too few goods since the other republics in the rouble zone, which must now exchange their own notes, will compound inflation as money floods back into Russia. This time, the "reform" will also embitter the swelling army of private sector workers, beneficiaries of the privatisation programme which is the proudest achievement of Russia's reformers.

President Yeltsin's instinctively populist response will be a further blow to reform and will compound the inflationary consequences. Instead of annulling the bank's decision as the reformers begged him to do, his decree merely lifts the ceiling on the sums that can be exchanged for cash and extends the deadline for exchanging old notes to the end of August. Legally, power to sack Mr Gerashenko resides with the Russian parliament. But with popular anger at its height and the hardliners joining opportunistically in denunciations of the central bank, he should have seized his moment to oust the bank president and dare parliament to declare him *ultra vires*.

Until last weekend's fiasco, Russia's prospects were better than they have ever been. Aided by the public endorsement of reform in the April referendum, Mr Fyodorov and his allies have managed over the past six months to cut the budget deficit and extract the central bank's agreement to limit credits, raise interest rates, steady inflation at 15 per cent a month, give the rouble a degree of credibility — and halt the decline in industrial production at the same time. Unless Mr Yeltsin, who can change tack as nimbly as any politician, gives the reformers his decisive backing at this critical juncture, the West should put on hold the package of aid agreed at the Tokyo summit.

RUNCIMAN REVISITED

Lord Taylor's views on criminal justice should be heeded

The Lord Chief Justice's eagerly awaited response to the Royal Commission on Criminal Justice yesterday did not disappoint. Speaking at a conference on the commission organised by *The Times* and the London School of Economics, Lord Taylor of Gosforth struck the right balance. He acknowledged that the findings of Lord Runciman's commission are a carefully balanced "integrated package" rather than a checklist of options; but he rightly drew attention to those proposals which he believes Michael Howard, the home secretary, should not enact.

Lord Taylor also helped to allay some of the fears which have arisen in the three weeks since the commission reported. The suggestion that the defence be required to disclose the outline of its case before a trial or risk adverse comment by the judge has been said to prejudice the defendant. But, as the Lord Chief Justice pointed out, such a reform would not alter the presumption of the defendant's innocence or the burden on the prosecution to prove otherwise. It should bring fairness to the muddled rules on disclosure and limit the time wasted by the production of reams of prosecution material which turn out to be of no interest to the defence. Paul Condon, the Metropolitan police commissioner, spoke yesterday of police exasperation with the "tactical game" of disclosure, which thwarts prosecutions and imposes unnecessary logistical burdens. Mr Howard must make this reform a priority.

Lord Taylor was too dismissive of the commission's proposal that judicial performance should be more closely monitored. The judiciary's independence should be protected by tenure, not immunity from ap-

praisal. But he was right to urge "more detailed thought" on the proposed Criminal Cases Review Authority to consider alleged miscarriages of justice. This new body need not be a threat to the authority of the existing courts, but its brief and composition will have to be more carefully set out.

The Lord Chief Justice's principled objection that the proposed system of plea bargaining would pressurise defendants to plead guilty is less convincing than are his practical doubts. It would be wrong, for example, if defendants were able to shop around in search of the right bargain from different judges. Equally, too formal a system of sentence discounts would be no better than the rigid system of unit fines introduced by the 1991 Criminal Justice Act, against which Lord Taylor campaigned so effectively. The need to cut legal costs by reducing the number of cases which go to court unnecessarily should not blind reformers to these questions.

Mr Howard should above all heed Lord Taylor's opposition to the abolition of the right to elect trial by jury. Such a step might limit the time wasted in the Crown Court by defendants who exercise this right and then plead guilty. But it would also limit public confidence in the legal system by removing a foundation stone of the English common law. The argument that this entitlement does not exist in other countries is irrelevant. Basic legal rights of this kind grow up in specific cultural contexts. They should not be absolutely immutable. But they embody what Burke called "latent wisdom", the hidden checks and balances of any system of social organisation. We tamper with them at our peril.

TEST OF A CAPTAIN

Gooch's successor will assume a uniquely English burden

After two days of national chatter about the vacant captaincy of England's cricket team, the five members of the England committee should today emerge like a college of cardinals and nominate Graham Gooch's successor. Their man will have a job with an unforgivingly high profile.

Other countries approach the captaincy more casually. Australia simply assumes that a natural leader will emerge amongst the best eleven players in the country, just as Conservative leaders used to "emerge". If nothing else, this informal method ensures that the captain is worth his place in the side; and occasionally it yields a man with the capacity and endurance of Allan Border.

In England, where the professional cricket circuit produces many more likely contenders, the captain is put on a joyless pedestal. He is chosen ahead of the rank-and-file players and is treated as their superior rather than *primus inter pares*. In British sport, the public pressures upon a captain of England's cricket side are matched only by those that bear down upon the manager of the England football team. The new captain will need a thick skin and a deep supply of patience.

What he will also need is a virtue not often evident in the fallen Gooch: an intuitive ability to react flexibly to situations and personalities. Unlike his footballing counterpart, whose main duties are to call the toss and offer loud encouragement, a cricket captain must be permanently alert. Cricket

presents tactical complexities undreamed of on the football pitch; it is chess compared to tiddlywinks. Since this talent cannot be taught, the England committee must decide today whether Michael Atherton or Alec Stewart already have it.

Mike Brearley, who wrote a classic book on the art of captaincy, showed during the famous Ashes series of 1981 that the job requires more than handclapping and backslapping during changes of bowling. He made a difference. But Brearley could rely on Ian Botham in his prime and a few other illustrious players. Whoever takes over from Gooch today will have no such luxuries.

It is easy to exaggerate the impact a new captain can have upon fortunes at the crease. In the disastrous 1988 series against the West Indies, four different captains — including Christopher Cowdrey who lost the job after only one test match — were unable to turn the tide. But the right skipper can help define the mood of his squad.

The appointment of Stewart, son of a former team manager and the personal choice of Gooch, would signal continuity with the discredited methods of the last few years. The Lancashire-bred and Cambridge-educated Atherton would bring something fresh to the scene: not perhaps a return to the relaxed methods of David Gower, but an atmosphere in which the captain encouraged flair and the new generation could spread its wings. He deserves his chance to face the bodyline bowling of public opinion.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9KN Telephone 071-782 5000

Off-the-record gaffes, leaks and careful choice of words

From Mr James Macdonald

Sir, It is indeed sad that our masters seem to lack the largeness of spirit that accepts deeply felt political dissension as principled, often envailing the sacrifice of political preference, but instead take it personally, indeed, almost as treason.

Mr Major is reported (July 26) as describing Euro-sceptics as "bastards", while Sir Edward Heath said recently that they would be "hated" (report, May 17). Do these comments apply to all of us Euro-sceptics, or only to those with a Commons vote?

Yours faithfully,
JAMES MACDONALD,
58 Clifford Avenue,
Taunton, Somerset.
July 26.

From Lord Kinnaird

Sir, Why have our politicians become so touchy? *The Times* of today refers to the prime minister's remarks about a few "bastards". Had we been living in a more robust era, we should be hearing a deal more than that.

Yours truly,
KINNAIRD,
Rossie Priory, Inchture, Perthshire.
July 26.

From Mrs R. N. Clarke

Sir, I consider the acceptance these days of all children on equal terms, regardless of their parents' marital status, to be a small step forward in our becoming a more civilised and tolerant society.

Surely the time has come for us all to regard the derogatory use of the word "bastards" as politically unacceptable.

Yours faithfully,
DEIRDRE CLARKE,
5 Wadhams Road,
Woodthorpe, Nottingham.
July 26.

From Miss Anne B. Taylor

Sir, If politicians only say what they really think "off the record", what is the point of interviewing them?

Yours faithfully,
ANNE B. TAYLOR,
64 Keigate Road, Ewell, Surrey.
July 27.

From Mr John B. J. Lidstone

Sir, The prime minister should have learned long ago that you never, never speak "off the record".

The only way to make sure that something remains off the record is not to tell it to journalists or speak it within earshot of microphones or media folk. You cannot attempt to

collude with those whose loyalties, aims and motivations are different from yours.

Yours faithfully,
JOHN LIDSTONE,
34 Tavistock Road, Fleet, Hampshire.
July 26.

From Mr Ken Beere

Sir, Far from damaging his reputation in my eyes, Mr Major's leaked comments have sent his stock spiralling upwards.

Were I one of his advisers I would suggest that henceforth he make his public utterances in private and his private ones in public.

Yours faithfully,
KEN BEERE,
Pump Cottage, Church Hill,
Stindon, Arundel, West Sussex.
July 26.

From Mr C. D. Ellis

Sir, Is it not strange that a man who has finally achieved the objective for which he has been persistently and courageously working for nearly two years and who is presiding over the most promising economic scenario for very many years should be so reviled, denigrated and insulted?

Yours faithfully,
C. D. ELLIS,
Hill Brow,
18 Upper Old Park Lane,
Farnham, Surrey.
July 25.

From Mr C. H. Whitnall

Sir, Surely there are many like me who sympathise with John Major's robust remarks and detect in them a touch more steel than in those stagey daggers with which his so-called colleagues are so intent to wound him.

Yours truly,
C. H. WHITNALL,
31 Monkhams Drive,
Woodford Green, Essex.
July 26.

From Mr E. H. Hanson

Sir, I am politically an independent, but I do now see John Major as an extremely skilful negotiator.

Not only did he obtain for Britain at Maastricht opt-outs from the social chapter and a single currency, he also got the principle of subsidiarity written into the treaty.

In the House of Commons, he patiently held his ground against a powerful minority, holding his winning salvo till it could be most successful.

He can now return to the heart of Europe to continue to negotiate for

Britain with his position greatly strengthened.

What more could we hope for?
Yours faithfully,
ERIC H. HANSON,
Bay Tree Cottage, 5 Greenways Close,
Ipswich, Suffolk.
July 24.

From Mr Roy D. Roebuck

Sir, Who is in charge of the government — the prime minister or the chairman of the Conservative party?

One can scarcely open *The Times* or turn on the television news without reading or seeing the extraordinary mouthings of Sir Norman Fowler, the party chairman, about government policy or what has been going on in the Cabinet.

What thunder would rumble from your leader column, I suspect, if a chairman of the Labour party purported to give authoritative guidance on what had been determined in a Labour Cabinet.

I have the honour to be, Sir, your obedient servant,
ROY ROEBUCK,
116/118 Chancery Lane, WC2.

From Mrs Teresa Gorman, MP for Billericay (Conservative)

Sir, Just think: if we had fixed-term parliaments we would reduce the temptation to threaten mid-term elections.

Yours faithfully,
TERESA GORMAN,
House of Commons.
July 27.

From Mr S. Gwyn James

Sir, Should not Michael Mates now send another suitably inscribed watch — this time to the prime minister? Or perhaps he already has.

Yours faithfully,
S. GWYN JAMES,
Rockwood, Aylburton,
Lydney, Gloucestershire.

From Mr Nicholas Lavender

Sir, Seconds after reading in *Mr Bernard Levin's* column today, "There is nobody in this land — nobody — who thinks that Mr Major has had a victory", I learnt from the headline to the adjacent column that "Woodrow Wyatt says the prime minister has won a notable victory". Has Mr Levin ever been proved wrong quite so quickly?

Yours faithfully,
NICHOLAS LAVENDER,
1 Hare Court, Temple, EC4.
July 27.

do so by creating regional groupings. But are they doing so in the ex-USSR? I can see little sign of it.

Ukraine's proposals for such a grouping are of great interest, and should be closely studied. At the moment, however, they suffer from a serious defect: they seem to exclude Russia rather than integrate it. Making Russia the sullen outcast of the ex-USSR will not enhance anyone's security in that unstable region.

Yours sincerely,
G. A. HOSKING,
University of London,
School of Slavonic and
East European Studies,
Senate House, Malet Street, WC1.

Policing the East

From Professor Geoffrey Hosking

Sir, The question arising out of my article, "West must let Yeltsin police the East" (July 6), is not (letters, July 8, 15) whether Russia will take the lead in peacekeeping in the former Soviet Union — it is already doing so, for good or ill — but how it can be integrated into international peacekeeping organisations which can work alongside it and monitor what it is doing.

As the Ukrainian ambassador points out (letter, July 19), the United Nations and the Conference on Security and Co-operation in Europe exist to take on a role of this kind, and can

Schizophrenic attacks

From Dr M. A. Thompson

Sir, I was appalled to read of the attack on an elderly man by an inadequately treated schizophrenic who was then put on probation (reports, July 17, 20). Last September I was similarly assaulted in south London by a schizophrenic as I passed him on the pavement, resulting in a fractured cheekbone needing an operation to correct. Had he used a screwdriver or a knife I would have been killed.

On that occasion, the assailant, though apprehended, was not prosecuted on the condition that he attended hospital and received treatment for his schizophrenia.

Surely it is about time that there was some accountability for these attacks, if not by the schizophrenics themselves then by those who allow them out on the streets, as a result either of government policies or psychiatric incompetence.

Yours faithfully,

M. A. THOMPSON,
Department of Anaesthesia,
Guy's Hospital,
St Thomas Street, SE1.

Cleveland in 1974. The University of Birmingham examined satisfaction with county council services. Satisfaction in Cleveland is amongst the highest recorded in England.

To suggest that creating four unitary district-based authorities in Cleveland would enable them to "re-gain the independence they enjoyed before 1974" is equally inaccurate.

Much of the Cleveland area, with the notable exception of Hartlepool, was served by the Teesside County Borough authority prior to 1974. In other words the current districts of Stockton, Middlesbrough and Langbaurgh-on-Tees are also creations of 1974 and have never exercised responsibility for the major local government services.

Cleveland County Council is not arguing for its own survival. We wish

Removing travellers

From Mr H. L. Thomson

Sir, Slough Estates' experience of trying to remove travellers' vehicles echoes that of John Heath (letter, July 15). Although our industrial estates suffer sporadically from gypsy invasions, we have never succeeded in persuading the police to use their powers under the Public Order Act.

The legal process for removal is time-consuming and expensive. Delay almost always results in increased vandalism, theft, environmental and health problems.

Many taxpayers cannot understand why travellers should not provide their own accommodation, pay taxes and comply with the laws of the land. For the police to turn a blind eye adds insult to injury.

Early legislation is imperative either to make police action mandatory, or empower landowners to obtain immediate possession.

Yours faithfully,
H. L. THOMPSON
(Director), Slough Estates plc,
234 Bath Road, Slough, Berkshire.
July 16.

to put right the mistakes of 1974, which is why we are supporting creation of a new united Teesside authority, with a second authority to recognise the particular feelings of identity in Hartlepool. It is a proposition which has wide support, especially in the business community, including the CBI.

Yours faithfully,
BRUCE STEVENSON
(Chief Executive and Treasurer),
Cleveland County Council,
PO Box 100, Municipal Buildings,
Middlesbrough, Cleveland.
July 22.

Letters should carry a daytime telephone number. They may be faxed to 071-782 5046.

Paying the price for Church losses

From the Reverend Richard Thomas

Sir, The report on the Church Commissioners' finances (details and leading article, July 23) is hugely welcome for flinging open the windows on an institution urgently in need of reform. But that reform, as the report itself hints, needs to reach much further than the commissioners.

Much of the structure of the Church of England still resembles an old-fashioned, soviet-style bureaucracy. Its services are offered to the public without any serious attempt at market research, and prices are fixed centrally without much apparent relationship to costs.

It is dominated by an expensive decision-making body remote from the parishes, and the prevailing culture is one of "they should supply" rather than "we must provide".

Churches which are financially and spiritually vibrant are having to bear the increasing cost of supporting many more which are not, so that many parishes are now survival-oriented, rather than mission-oriented.

This report, by implication and by fact, opens up a huge opportunity for the Church of England to take a fresh look at its structures. Despite its problems, there is a vibrant sense of optimism in the Church. After years of decline, baptisms, confirmations and Church membership are all increasing. New patterns of ministry are emerging.

What is now needed is a lighter central structure, and much greater freedom for local groups of churches to re-establish their ministry in a way that empowers them to make the most of their limited resources. It will mean closing or altering more church buildings, but that will be a sign of growth, not of decay. It will mean a greater partnership between professional, committed laity and their clergy not only in strategic local planning but also in ministry.

But the bottom line for today's Church is not lack of funds from the commissioners, but the vibrancy, freedom and imagination of its local mission.

Yours faithfully,
RICHARD THOMAS,
18 Eason Drive,
Abingdon on Thames, Oxfordshire.
July 23.

From the Rural Dean of Okehampton

Sir, News of the massive £800 million investment loss made by the Church Commissioners demands urgent and serious action. It is inexcusable and unjust to expect the "man in the pew" to pay the price for short-sighted and misguided property dealing.

There have been many measures and actions over the years which have allowed this process to take place: one such was the 1964 Incumbent and Churchwardens [Trusts] Measure which was intended to help parishes administer property left to them in trust; in reality it meant that many parishes lost control of endowments and assets given to support them.

Rather than suggesting that parishes should pay more, or face closure, the General Synod must now face up to the folly of its ways and either restore the endowments it has taken or make some restitution for the glebe property it has sold.

The situation that now confronts many country churches is dire and was not of their making. Many rural churches are set in small communities and will find that the demand to become self-sufficient is way beyond their means.

Yours truly,
RUSSELL CHAMBERLAIN,
The Vicarage, 1 Church Path,
Okehampton, Devon.
July 23.

Born survivors

From Miss Margaret J. Broome

Sir, I was particularly interested to read Mrs Lewis-Turner's letter (July 22) indicating the splendid lifespan of herself and her sisters. My congratulations to her and best wishes for continuing good health.

Perhaps the following details from my family might also prove interesting. The record for my mother and her four sisters is:

One died in her 94th year, one in her 95th year, two in their 101st year (one within 11 days of her 102nd year) and, finally, one in her 106th year.

Yours faithfully,
MARGARET J. BROOME,
Pebble Mill, Knox Mill Close,
Harrigate, North Yorkshire.
July 26.

From Mr T. P. FitzPatrick

Sir, In May, my brother, my sister and I visited the convent where two cousins, sisters in both religion and family, celebrated their combined 200th birthday. Sister Margaret Gertrude was already 103 and Sister Francis Borgia is now 97. They were both in cracking form.

The best news for Mrs Lewis-Turner, who clearly has a great future to look forward to, is that, like her, they live in Bath.

Yours faithfully,
TOM FITZPATRICK,
Pippins, 15 Western Road,
Newick, nr Lewes, East Sussex.
July 22.

The battle for local news

Despite the widespread assumption that local communities are in decline, regional and local newspapers and broadcasters are well placed to overcome supposed threats to their survival.

Research by the Henley Centre debunks the myth that greater exposure to national and international news has made local events appear comparatively insignificant. Arguing that there is a large unfulfilled demand for more coverage of events close to home, the centre paints a picture of Britain as a country in which close local networks dominate most people's lives.

Some of the findings may surprise. Three-quarters of the UK population have not moved house or have moved only once in the past ten years. This stability is even more pronounced in urban than in rural areas and people in the AB socio-economic groups are just as likely as the DEs to say that they belong to their community. The centre comments: "Over 70 per cent of people say that they would like to know about what is going on in their local area."

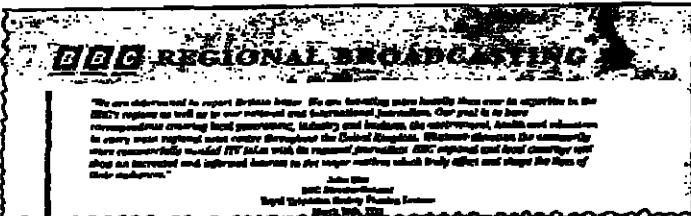
The findings reinforce a new-found confidence in the regional and local press. After three years of recession and declining sales, many believe the industry has reached a turning point.

A recent report by the Newspaper Society, which represents 1,300 UK regional titles, says: "There is a window of opportunity for regional newspapers to improve product quality and convert more readers into regular and frequent purchasers of the newspaper."

The society's forecasts, also based on Henley Centre research, are positive for the medium term.

Electronic media are improving coverage in areas that will give regional papers a run for their money, says Alexandra Freen

Birmingham Post



Hotting up: broadcasters are increasingly taking on the local press

Western Morning News

Sales of evening papers will rise by almost 2 per cent next year and sales of weeklies in rural areas will also rise. The circulation of urban weeklies will increase by 2 per cent by 1996.

The society believes that the long-term decline in the industry can be reversed only if regional and local papers offer their readers greater value for money — more pages and more editorial — and identify more closely with them — more "vox pops" instead of rewritten press releases. "With all titles", it concludes, "even evenings, which have suffered the most since 1989, there are indications that it may be possible to consolidate and build on the base of loyal readers."

such as a regional morning paper, where they can read about national and local events."

Chris Oakley, group chief executive at Midland Independent Newspapers, believes that regional papers have benefited enormously from the closure by the nationals of most of their provincial offices. "A recent survey shows that more managing directors in the West Midlands read *The Birmingham Post* than *The Financial Times*. They can no longer find information in the national press about their local competitors," he says.

Broadcasters are already responding to the need for more local coverage. The explosion of local commercial radio stations is the most obvious example and in public-sector broadcasting, the BBC has earmarked £10 million to create 170 jobs in regional and local journalism.

Established broadcasters are also responding to a much more specific threat from the development of cable television, which has the potential for local programming of a more targeted nature than have the current ITV regions.

Cable operators are already well established in several British cities. The main provider in the Midlands, Birmingham Cable, has teamed up, for example, with Midland Independent Newspapers, which provides it with a local news service.

The case for city television could be further boosted if the Independent Television Commission decides to award the licence for the UK's fifth terrestrial television station to a consortium of local or regional broadcasters — an option it is considering — when it announces criteria for the new licence this autumn.

"The newspaper trades' last restrictive practice is about to be removed," claims Alan Taylor, secretary of the British Independent Grocers' Association. Mr Taylor is not closely connected to the newspaper industry, but he wants to be. He and fellow grocers have been lobbying the Monopolies & Mergers Commission over the refusal of newspaper wholesalers with local monopolies to let many grocery and convenience stores sell papers.

The commission is to send its confidential report to the Department of Trade and Industry on Friday, after an investigation lasting nearly a year into whether the tightly controlled newspaper distribution system operates against the public interest. Next week ministers will start considering whether and how the report's recommendations should be implemented.

As newspaper circulations continue mostly to fall, the threat of value-added tax looms closer with each budget and tabloids make dramatic price cuts, the creation of more newspaper outlets would, Mr Taylor argues, boost sales. "The more points of sale you have got, the more you sell," he says.

This view is not shared by newspaper publishers and wholesalers, who defend the status quo as an efficient system that already ensures newspapers are easily obtainable. Local wholesale monopolies exist because publishers give exclusive contracts to a particular wholesaler to distribute their papers in a given area. This system was initiated by News International in the late 1980s, and other publishers followed suit. Wholesalers decide which retailers to supply locally, although would-be entrants to the market who are turned down can

Bread and a pound of papers, please
More grocers want to be mini newsagents



All the newspapers that fit?

appeal to publishers. The wholesale trade is dominated by four companies: WH Smith (with about 27 per cent of the market), John Menzies (20 per cent), Sunridge Dawson (10 per cent) and Johnsons (7 per cent). Wholesalers contend that increasing the number of outlets generally fragments the market without increasing revenue. A WH Smith spokesman says: "A convenience store may sell a certain number of copies... but

we have found that it takes that precise number away from the nearby newsagent. This ends up increasing costs and delaying the whole process of distributing newspapers as we have to go to more outlets."

In fact, the number of newspaper retailers has been growing slowly — in the case of News International by 6 per cent.

But expansion of supply to supermarkets and petrol stations does not satisfy small grocers, many of whom are now engaged in intense high-street battles with newsagents.

The most vociferous advocate of full liberalisation, John Gardner, managing director of the VG chain of 700 convenience stores, says: "Newsagents are selling more groceries but grocers cannot respond by selling newspapers. Press barons are prepared to attack lack of competition in all areas except their own."

David Daniel, the secretary of the National Federation of Retail Newsagents, counters: "A free-for-all would be a disaster for the industry and the public. Grocers are interested only in top-selling titles. The traditional newsagent needs the profits from high-selling titles to support lower-circulation quality papers and specialist magazines, and to provide a home-delivery service."

The commission has been discussing proposals that would make it easier for new retailers to enter the market but which stop short of a totally open newspaper retail market. The commission insists, however, that these are hypothetical ideas, which it wants merely to examine. Its final recommendations will remain secret until the autumn when the government is expected to announce its response.

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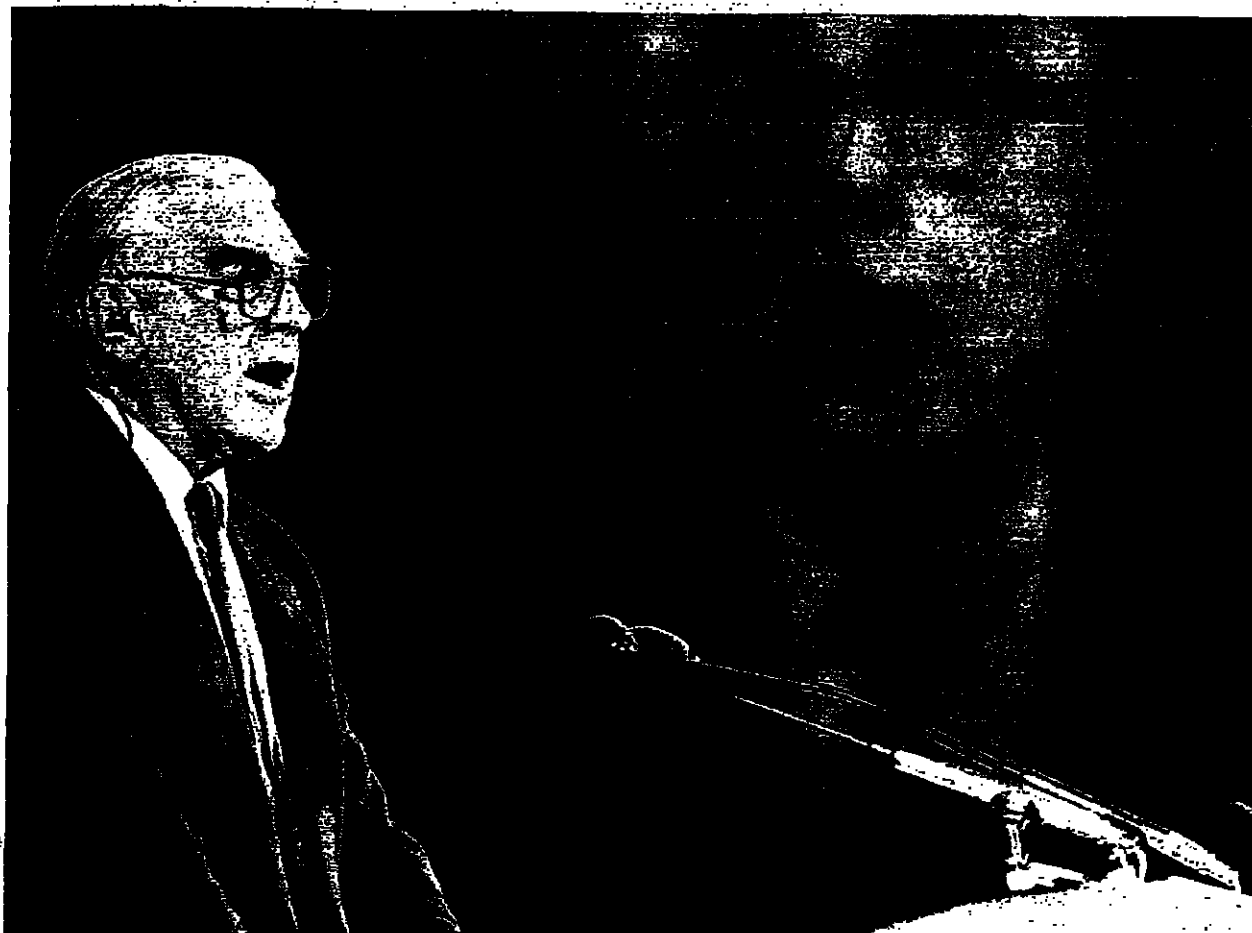
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Marmaduke Hussey, the BBC chairman, and Lord Chalfont, chairman of the Radio Authority, on broadcasting's future



Marmaduke Hussey: "The public expects the BBC to preserve the quality of its programmes and its independence"



Lord Chalfont: "An applicant's programme plan must be focused on the needs and interests of people living in the area"

The annual report we publish this afternoon marks a break with the past and indicates the shape of the future. As well as being positive about the BBC's successes, it pulls no punches about our failings. Commentators may point to a new note of candour, but I hope they will not overlook a more basic change — the division of the report into two main sections, a review by the director-general and an assessment by the governors of the BBC's aims and how far it has succeeded in achieving them. It is the first concrete evidence of a new relationship between the board of governors and the management of the BBC.

The enormous changes in the broadcasting world demand equal changes in the attitudes and workings of the BBC. We cannot remain an island, still carrying on as we did when we were a government-protected monopoly or later a cosseted duopoly. It's a different world now. As much else is changing in the BBC, so we need a new relationship between the board of governors and the board of management. It can be summed up in three words: separation of powers. As trustees for the public within the BBC, the governors retain the final authority, but we will exercise it within a framework which recognises and reinforces the distinction between our role and that of management.

We will agree with the board of management a strategy which reflects the needs and interests of viewers and listeners throughout the UK and hold management to ac-

New role for BBC governors

count for implementing it. That's where the candour comes in.

We need to make public what we expect management to achieve, as we do in the report, and, in addition to endorsing the management proposals, we have added a number of priorities, ensuring, for instance, an effective regional contribution to the network and sharpening up coverage of science and technology. This separation of the distinct functions of governors and management opens the way to oversight which is both more effective and more accountable to the public. It also removes a stone which has been in our shoe since the board of governors was constituted in 1927.

In most ways, our system of governance has done well — it has preserved the independence of the BBC through thick and thin, and provided a service of unique range and

quality. But it has failed to establish the clear responsibilities of the governors and management. There has been too much room for interpretation, and sometimes conflict.

The new relationship between governors and management will eliminate confusion. In effect, we are writing a contract between governors and management. Its terms will give management enough scope to deliver, and allow governors to stand far enough back to make a disinterested judgment. This will neither inhibit the initiative of programme makers, nor reduce the ability of managers to develop it.

But if separation is so important, shouldn't the governors be outside the BBC altogether? My own experience convinces me that the governors cannot act as trustees from the outside. It was the governors who saw that the circumstances of the 1990s

would require a fundamental overhaul of the BBC's organisation. An external regulator might have seen as much, but he would have lacked the authority to promote the necessary changes.

Change on such a scale is a bruising affair. But the bruises show that the system works, albeit in a rather rough and ready way. The separation of powers will refine the system, and allow us to exercise a more effective oversight.

Firstly, we are re-shaping the BBC's advisory structures to provide the governors with a flow of information about the views and interests of audiences in all areas of the United Kingdom.

Secondly, we are establishing a large and representative survey of viewers and listeners, to tell us what they think about our programmes and activities. This does not mean the governors will be simply the mouthpiece of public opinion, but it does mean that our judgment of what the public interest requires of the BBC will be better-informed than ever.

The new system indicated by our annual report is a fundamental reform. But it is not a revolution. We are incorporating the best of the new, but we are not discarding what has worked well for 70 years. The public expects the BBC to preserve the quality of its programmes and above all its independence. It is the rock that has made the BBC the most admired broadcasting institution in the world. And that is what it must remain.

MARMADUKE HUSSEY

The Radio Authority will begin its final consideration of the applications for eight London radio licences on September 2. This will be one of the authority's most difficult assignments since its creation in 1991, charged with the regulation and development of independent radio in the United Kingdom. This involves not only advertising new frequencies as they become available, but also, under the 1990 Broadcasting Act, re-advertising licences when they expire at the end of their term, normally eight years.

The London round is part of this process. The capital has a greater choice of radio services than any other part of the UK. Six are operated by companies whose licences have been re-advertised — LBC, on FM and AM frequencies; Melody, Jazz and Kiss on FM, and Spectrum on medium wave. There are also two new AM frequencies. When these eight frequencies were advertised earlier this year, there were 48 applications, including six from current licence-holders. The authority has to decide which of these applicants will be awarded which frequency.

Some people seem to believe that the authority sets about this complex decision-making process with a crystal ball, the entrails of various unidentified animals and a set of reactionary prejudices. The reality is different. We have members of the authority and its staff who are jazz lovers, rock fans and classical music addicts; there are people experienced in race relations and of various religious persuasions; there are people aware of the preoccupation of young people

How we'll award the franchises

and of the political sensitivities of regional and national listeners. There are men and women whose political views cover a wide spectrum and others who believe that politicians of every complexion can be relied on to make wise, intelligent and statesmanlike decisions, having first exhausted

all other options. When this multi-cultural group starts the process of considering the award of a radio licence, it would be rash for anyone to predict too readily the result.

The London applications offer a remarkable variety of programme formats: sport, comedy, travel, business and finance.

Proposals include programmes specially for women and another consortium offers Christian broadcasting. Music suggestions include country, adult contemporary, urban contemporary, jazz, easy listening and alternative rock. There are also proposals for ethnic programming

aimed at Asian, Irish, African and Arabic listeners or a mixture of ethnic groups.

So the first thing the authority has to do is to decide which types of programming to choose and on what frequency. Is it, for example, desirable to have a speech-based service in London on FM? Which of the minority ethnic groups would best be served by a London-wide licence? Then we have to consider whether it is an advantage for one company to provide two services, one on FM and one on AM?

Having decided on the best mix of programme formats for London, providing at least as much choice for listeners as they have at present, and if possible more, the authority then has to match to each frequency the most convincing application in its particular category.

In the present deregulated environment, we cannot insist on the continuation of the type of programming provided by

an existing licence; nor, on the other hand, can we prescribe any specific change of programme. We simply have to identify the applicants most likely to provide the services on which we have decided.

Applicants for licences have to demonstrate that they have the financial resources to maintain the service throughout the licence's eight years. This, I must emphasise, is a matter of viability, not of revenue potential.

The programme plan of an applicant must be focused on the needs and interests of people living in the area. The local flavour of the programmes is more important than the postal address of the programme controller or the eminence of the board of directors.

However, the degree of local support for an application is important. Applicants often carry out their own local research to establish this, but the authority itself welcomes genuine letters of support. We can, however, smell a "lobby" or an orchestrated campaign a mile away.

The final decisions are a matter of careful and methodical assessment of the applicants, carried out in progressive stages at several meetings of the authority. All the applications are subjected to a rigorous comparative analysis of management structure, business plan, programming and technical competence. So it is not quite true to say that the authority awards its licences by wetting its collective finger and sticking it in the air.

LORD CHALFONT

Change on such a scale is a bruising affair

The Radio Authority can smell a lobby a mile away

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MUSIC 32

The saxophone, still swinging after all these years



ARTS 33-35

Prince starts his European tour in right royal style



SPORT 36-40

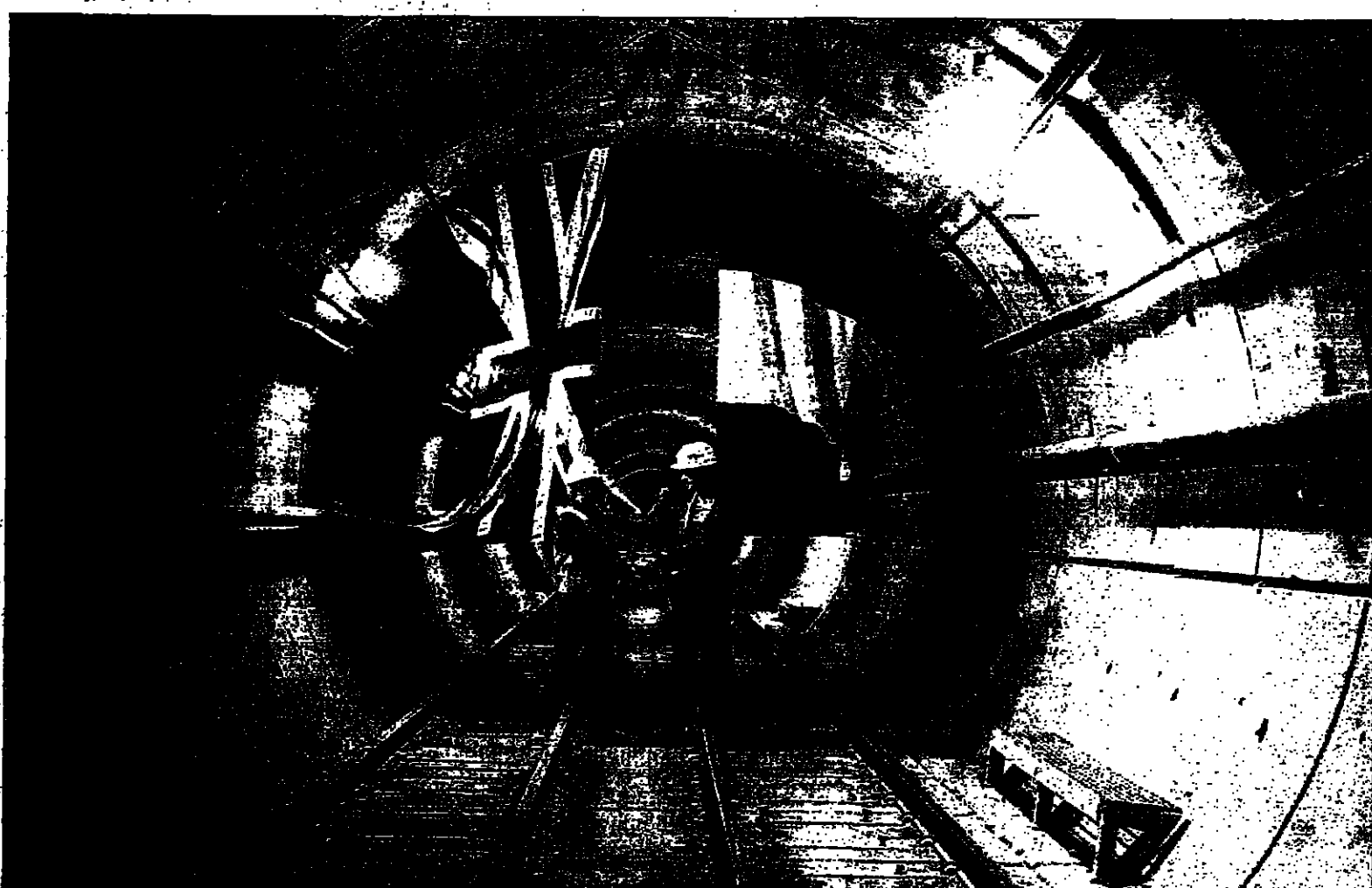
Morris men dancing to a new refrain

BRITISH EXODUS TO FRANCE
Homes, page 31

THE TIMES 2

WEDNESDAY JULY 28 1993

Peace breaks out in the Channel tunnel



Back on the rails: the British-French Channel link could now open next March, ahead of schedule, after yesterday's compromise deal

Eurotunnel and TML reach compromise

By GEORGE SIVELL

EUROTUNNEL and the Transmanche Link contractors reached a compromise yesterday to enable the cross channel rail link to open to freight traffic in the first half of March 1994, well before the state inauguration date of May 6, announced this week.

The agreement was reached by Sir Alastair Morton, chief executive of Eurotunnel, and Neville Simms, chief executive of Tarmac, one of the contractors, sharing a public platform together for the first time since the dispute flared up.

The compromise over the £8.4 billion project came in the week of the Anglo-French summit aimed at improving co-operation between Britain and France and follows the appointment of Mr Simms as British co-chairman of TML.

TML will now hand over the project to Eurotunnel on December 10. Eurotunnel has agreed to pay up to £235 million to TML, which will avoid the contractors having to fund the final stages of the project from their own pockets. In turn, Eurotunnel's banks have agreed to a stand-

■ Eurotunnel and the contractors that are building the Channel rail link have buried their differences and aim to get the tunnel finished in time for next May's inauguration

by facility of £120 million. This will avoid Eurotunnel running out of cash just as the project is close to opening, but still means that shareholders will be asked for about £300 million next April. Sir Alastair held in his forecast that Eurotunnel would become cash positive at the end of 1997 or during 1998 and that it would go into profit by the end of the century.

Tempus 25

Yesterday's agreement was brokered by the Bank of England. Pen Kent, an associate director of the Bank, chaired the final meetings. The agreement does not resolve TML's claims on cost over-runs, which at one stage mounted to £1.4 billion at 1985 prices against the price set in that year of £720 million. But Mr Simms said: "The agreement

closes the gap of whatever remains at the end. We are much more likely to find a way to resolve matters outside the courts."

Sir Alastair pointed out: "More cash is around in this deal making it attractive to the contractors. We are not parting with 10 per cent of the equity in Eurotunnel to contractors. But the commonality of interest will grow and we believe a settlement can be negotiated."

He believed the tunnel could have opened earlier if it had been possible to reach a settlement last summer, when the contractors were offered about £900 million in payments and the balance of £400 million or so in shares or convertible shares of Eurotunnel.

Eurotunnel's agent banks were involved in the talks at the Bank of England but yesterday's agreement is subject to approval by the main banking syndicate, plus the

European Investment Bank and the European Coal and Steel Community.

The agreement covers the detail of co-operation in completing the work, especially the commissioning tests. Eurotunnel will be in charge of final testing but TML will remain responsible for the performance of the system.

First scheduled trains to run through the tunnel will be either shuttles carrying road traffic or freight trains. It is hoped to have enough passenger shuttle trains to offer a full service by the end of next summer. A partial railway passenger service expected to be running in early May.

In a joint statement, Eurotunnel and TML said: "This agreement brings to an end a period of conflict which has delayed the opening of the Channel Tunnel. By segregating the commissioning and its funding from the resolution of disputes we have acted to restore the total co-operation between client and contractor that is essential at this stage of a project."

Analysts said that before the agreement TML was £200 million short of cash to complete its contract and that it

was facing a £200 million penalty for late delivery. The tunnel was originally scheduled to open in May this year. The project received political go-ahead in February 1986 and tunnelling started on December 15, 1987. The two sides joined up on December 1, 1990 and the boring was finished on June 28, 1991.

IBM's 85,000 job cuts to cost record \$9bn

FROM PHILIP ROBINSON IN NEW YORK

IBM plunged deeper into the red yesterday, cutting its dividend by more than half for the second time this year and announcing a record charge of almost \$9 billion to cut the total workforce by 85,000 this year and close offices.

The charges pushed the beleaguered computer company to record losses for the first half of the year, at \$3.3 billion (\$3.3 billion profit). Turnover dropped 5.6 per cent to \$28.6 billion. Louis Gerstner, chairman and chief executive, warned the cuts would not be the last, but that IBM would not have to resort to more special charges.

Wall Street regarded the first-half figures as a clear-out of bad news. Mr Gerstner's first opportunity to do so since he was appointed on April 1. IBM shares which had hovered near a 20-year low, added \$3.125 to \$45.5.

Mr Gerstner said: "We are not satisfied with IBM's financial performance. However, our second quarter results show some areas of improvement over the first quarter. Our overall gross margin remained stable for the third consecutive quarter... it's an encouraging sign."

Since the start of last year, IBM has spent more than \$20 billion cutting 127,000 staff. By the end of 1994, it will have almost halved its workforce from a 405,000 peak eight years ago to 225,000.

In Britain, where IBM had sales of £3.75 billion last year, 2,200 employees were shed during the first half, reducing the workforce below 12,000.

However, Peter Crutenden, finance director, said no further cut-backs were planned and the company continues to expect a "significant turnaround" from last year's £767

million loss before tax. IBM's UK operation, embracing personal computer manufacture at Greenock, in Scotland, construction of file devices at Havant, Hampshire, and marketing and software, continues to lead its parent to recovery.

Mr Crutenden said he was "modestly encouraged" by signs of an upturn in the UK economy and the impact of cost reductions on the profitability of the business.

However, the company has been obliged to add a further £150 million to last year's restructuring costs, pushing the total 1992 bill for restructuring to £369 million. As a result, IBM UK now reckons to have lost £767 million last year, compared to £124 million in the previous year.

IBM's dividend cut, by more than half from an annual \$2.16 to \$1 per share, will save \$660 million. The payout has fallen 80 per cent this year.

From April to June, IBM lost \$40 million before tax, interest and special charges compared with \$734 million for the second quarter of 1992. The result was much better than Wall Street had expected, but after charges of \$8.9 billion, the 1993 second quarter loss came out at \$8 billion.

Although total second quarter sales were down 4.3 per cent to \$15.5 billion IBM says the rate of decline of its core mainframe computer business was less than the first three months of this year and that its personal computer sales were strong and made a profit. The big jump came in its computer services division which saw a 35.4 per cent increase in sales during the first six months.

BUSINESS EDITOR
Robert Ballantyne

BUSINESS TODAY
PEARSON SPLITS

Pearson is to concentrate on media by demerging Royal Doulton and Camco into separate firms
Page 23, Tempus 25

POOR REVIEW
The financial strength of Lloyd's of London has been attacked by Standard & Poor's, the credit rating agency
Page 22

ALL ABOARD
Stagecoach, the bus and coach operator, has a £50 million war chest to fund acquisitions
Page 24

THE POUND
US \$ 1.4908 (-0.0102)
German mark 2.5719 (-0.0168)
Exchange Index 81.5 (-0.5)
Bank of England official close (4pm)

STOCK MARKET
FT-SE 100 2879.4 (+35.2)
Dow Jones 3573.57 (+5.87)
Nikkei Ave 19891.39 (+69.31)

INTEREST RATES
London Bank Base 6%
3-month Interbank 5 1/8%
US Federal Funds 3%
3-month Treas Bils 3.08-3.07%
Long Bond 6.89%

CURRENCIES
New York: London: £\$ 1.4890
\$DM 1.7255
\$Swk 1.5208
\$Fr 5.6930
\$Yen 105.35
\$Scd 1.0201
London Forex market close

GOLD
London Fixing (\$): PM 392.35
Close 391.20-391.70
New York: Close 391.15-391.65

RETAIL PRICES
RPI 141.0 June (1.2%)
* Denotes midday trading price

Waiting for all that surplus gas

This week, the monopolies commission will finally deliver two enormous reports critical to the future of British Gas — one to Ofgas and another to the President of the Board of Trade. These reports, heroic as they are in intellectual effort and sheer scale, should never have been written. They stem from a breakdown in relations between British Gas and its regulator that should have been resolved by a more effective form of appeal by either side.

A suitable form of appeal, especially in arguments over prices and rates of return, would be compulsory pendulum arbitration, a system under which the arbitrator, in this case presumably the commission, would choose which side's case is more reasonable. That concept was developed to bring common sense into pay disputes, where traditions of splitting the difference encouraged unreasonable demands and offers. It is equally suited to regulated utilities, where it could quickly put an end to posturing and brinkmanship.

Sadly, the privatisation Acts did not envisage this, so we have monopolies commission enquiries. Thanks to this system, the 2 million of us who own shares in British Gas have had little

idea over the past year if the company will even continue to exist and will still have to wait a few weeks to find out. Even if British Gas is not dismembered, neither shareholders nor markets know if it will be an investment providing growing income or carrying extra risk, whether more of its business will be sequestered, as the Office of Fair Trading handed most of the contract gas market to other oil and gas companies without compensation, or whether British Gas will be forced under its licence to undertake loss-making business to small domestic consumers without keeping offsetting privileges.

In all these disputes and enquiries, neither household gas consumers nor shareholders — now depersonalised as "providers of finance" — appear so far to have had much of a look in, even though you might think they are principals in utility regulation. Thanks in part to normal price and quality regulation, there is no serious claim that British Gas is inefficient, profiteering or abusing the public.



that, since fragmented competition is the skeleton key to efficient markets, anything less must be an affront to free enterprise. From that stemmed the need for British Gas to operate its pipeline and storage network as a separate business and set an American-style rate of return for it.

Unfortunately for British Gas, back in 1988 its less than streetwise management agreed some deals in the contract market that implied a 4.5 per cent real return, even now little more than the risk-free return on government index-linked stock. Once the pipeline system — the guts of the British Gas domestic business with a current cost valuation of £17 billion — had to be treated as a business in its own right, present management faced an uphill struggle to convince Ofgas and then the monopolies commission that no one

in their right mind, let alone the Treasury, would invest for anything like that rate of return. The gas engineering industry, appalled by this messing about and suffering from the hiatus, is well aware of that.

If the pipeline system were divorced from the rest of British Gas, it would simply not have the clout and stability to sustain its ambitious oil and gas exploration and production business, still less its thriving ambitions to become an international utility, anywhere from Canada to Kazakhstan. For that reason, rather than any sympathy for shareholders' rights or consumers' bills, Michael Heseltine might not care for such a break-up, though precedent suggests that would mean little while his department is in thrall to North Sea oil producers.

More likely, the commission will favour separation within British Gas. The future of the group's main asset and profit-earner — and therefore the British Gas share price — would then depend on what return figures are settled on, with the economists' equivalent of a pin, at a time of great fluidity in real interest rates and market assessment of risk, particularly regulatory risk. Winning economies do not torture themselves like this.

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FUTURES PAGER

Standard & Poor's takes dim view of Lloyd's business plan



Goda: hardship

BY SARAH BAGNALL
INSURANCE CORRESPONDENT

LLOYD'S of London, the loss-making insurance market that is fighting for survival, has had its financial strength attacked by Standard & Poor's, the rating agency. The market's business plan — a blueprint for a return to profitability — has been branded "optimistic" while its much-vaunted sales slogan that it has "never failed to pay a valid claim" is irrelevant.

John Gardner, managing director of S&P's Insurance Ratings Service, said the claim that payments are

always made "says nothing about future security, admirable though the record is".

Many insiders have considered Lloyd's security as a non-issue, "believing it to be somehow immune from the kind of financial distress that can lead ultimately to policyholder claims not being met", he said. However, in recent years "such rose-tinted assumptions about Lloyd's future security are simply not tenable" given the burden of catastrophes, dramatic claims inflation, historical under-reserving and a diminishing capital base.

A Lloyd's spokesman said that "the quality of the market's security has been confirmed by a number of independent analyses. The aggregate resources of Lloyd's at the end of 1992 were £24.4 billion, which, combined with a prudent approach to reserving, offers policyholders unrivalled security".

The "impermanence" of Lloyd's capital base, which is the result of names being able to decide on an annual basis whether to underwrite or not, was also highlighted. This, Mr Gardner said, meant that the business plan's proposals for managing the supply of capital, aimed at stopping a repeat of the recent year

problems, seem "optimistic, since confirmation is needed that there will be a supply, let alone an oversupply".

The 1992 report and accounts of the seven Gooda Walker syndicates, revealed that a row is brewing between the syndicates and errors and omissions insurers over reinsurance contracts relating to Outhwaite syndicate 317/661 for the 1982 year of account.

The potential impact on three syndicates, 164, 290 and 299, "could be very considerable", states the accounts. Tony Gooda, former chairman of the Gooda Walker

agency, is applying for hardship support as a result of his losses.

The row centres on whether the Gooda Walker syndicates are liable to pay out on the reinsurance cover they provided for the E&O insurers of the Outhwaite managing agency and the members' agents who placed names on the Outhwaite syndicates. Last year, E&O insurers paid £116 million in an out of court settlement to Outhwaite names and these insurers are now making claims on their liability and whole account reinsurances. The E&O insurers argue that all the policies should be aggregated together,

making the total claim big enough to trigger reinsurance contracts, which will partly fall on the three Gooda Walker syndicates. But the Gooda Walker Action Group believes claims can not be aggregated.

The reports also revealed that the Gooda Walker syndicates have reserved for any potential claims they may suffer as a result of a settlement arising from the Feltrim Names Association's legal battle. Gooda Walker syndicates provided E&O cover for the Feltrim Managing Agency and as a result may be required to make "significant" payments at a hearing in September.

Nuclear Electric expects job losses and profit without levy

BY ROSS TIEMAN
INDUSTRIAL CORRESPONDENT

NUCLEAR Electric stepped up its campaign to rebuild the economic credibility of Britain's atomic power industry by unveiling efficiency gains and reduced losses for the year to end-March.

Operating profit, after the benefit of a £1.28 billion levy on electricity customers' bills, rose by 23 per cent to £661 million. The levy, which expires in 1998, is intended to help the company build provisions against the cost of decommissioning radioactive plants as they come to the end of their lives.

John Collier, the chairman, said the state-owned company remained on course to achieve an operating profit without benefit from the nuclear levy in the financial year 1995-6. However, Robert Hawley, chief executive, gave warning that another 1,800 jobs were likely to be shed this year as Nuclear Electric strives to reduce its overhead costs.

The cornerstone of the improvement was an increase in the amount of power the company generated from its existing plants. Plant availability of the second-generation AGR stations, has improved as the company has succeeded in refueling the reactors with a partial shutdown. This enabled the company to increase its share of the electricity market in England and Wales from 18.5 per cent to 21.6 per cent. The overall cost per kilowatt-hour



Credibility campaign: Robert Hawley, left, John Collier and Mike Kirwan, finance director of Nuclear Electric

of power produced fell from 4.1p to 3.5p.

Mr Collier renewed his hope that the company could leave all the decommissioning liabilities in the public sector.

He said: "I can see Nuclear Electric carrying its commercial success through to the point where a move out of the state sector is recognised as feasible and desirable."

Nuclear Electric was exploring the possibility of using private sector finance to fund construction of a third plant of the pressurised water type at Sizewell in Suffolk with Price Waterhouse as adviser.

Dr Hawley said the Sizewell C plant would generate at less than 3p kilowatt-hour, a price "fully competitive" with combined cycle gas turbine plants

being built by private sector operators.

However, Dr Patrick Green, anti-nuclear campaigner for Friends of the Earth said "talk of profit is, as ever, an illusion" and would remain so until the nuclear levy had ceased. He also questioned the willingness of the private sector to accept responsibility for the uncertainties of nuclear accidents and decommissioning and called upon Nuclear Electric to substantiate its calculation that a third Sizewell reactor could generate power at a cost of 3p kilowatt-hour. Private sector discount rates for provision of finance "would result in a more realistic unit cost of between 4p and 5p kilowatt-hour," he said.

Tempus, page 25

Attempt to delay look at BCCI audit fails

BY PATRICIA TEHAN
BANKING CORRESPONDENT

PRICE Waterhouse, the firm of accountants, has lost its High Court attempt to delay a disciplinary enquiry into its audits of the collapsed Bank of Credit and Commerce International.

Price Waterhouse had argued that disciplinary proceedings by the Institute of Chartered Accountants risked prejudicing its defence to the multi-billion dollar actions it faces. Touche Ross, the accountant and liquidator of BCCI, started proceedings for an estimated \$8 billion against Price Waterhouse and Ernst & Young, or Ernst & Whinney as it was at the time of the audits, in March 1992.

Price Waterhouse had claimed that the harm it would be caused by the disciplinary action would be "disproportionate" to any aims achieved. It argued that it would be unable to defend itself before the institute's Committee of Inquiry without "breaking confidence" to BCCI depositors who had supplied documents.

But Lord Justice Mann said the confidentiality problem was an "obvious one" faced by any auditor under investigation and the problems posed would be "apparent" to the Committee of Inquiry.

Price Waterhouse had also claimed that the enquiry would place an "intolerable strain" on its human and financial resources, already stretched by the several pending civil actions.

Price Waterhouse is considering whether to appeal.

SIB widens enquiry into Goldman Sachs

THE Securities and Investments Board has widened its enquiry into Goldman Sachs's role as adviser to the Maxwell group of companies. In a note to the social security select committee yesterday, the SIB said it had noticed a point about the sale of 25 million MCC shares out of pension funds that called for further investigation in Britain and America.

The agency said it would liaise with the Securities Exchange Commission in America and suggested this may result in "possible restitution action". However, this is understood to depend on whether the SIB has jurisdiction on the matter. Goldman Sachs was recently fined £160,000 by the Securities and Futures Association and has been asked to make a £56 million without prejudice contribution to two Maxwell pension funds. A select parliamentary committee report earlier this week also criticised Goldman Sachs for its involvement in the Maxwell affair but added that a later report would examine the matter in detail.

CU new premiums up

COMMERCIAL Union, the composite insurer, reported a 7 per cent rise in new worldwide life and pensions premiums in the first six months of 1993. New annual premiums rose 22 per cent to £96.7 million while single premiums advanced 5 per cent to £434.7 million, reflecting a return of public appetite for life insurance products. The growth in new single premium business, which helped lift the shares 4p to 616p, is below that experienced by Prudential, the UK's largest life insurer, and Legal & General, the composite insurer.

Whitbread warning

WHITBREAD has warned the Chancellor that excise duty increases on beer in November's Budget would risk damaging an industry that pays £12 billion a year in taxes. Sir Michael Angus, chairman, told the annual meeting that tax paid by the beer and pub industry means 40p to 50p per pint going on duty and VAT, adding: "It's far too much." There was a real danger that people would stay away from their locals. Given a fair economic wind, however, he expected moderate growth in most markets for the rest of the year.

Linx profits fall

SHARES in Linx Printing Technologies, the ink jet printer that issued a profits warning in May, within seven months of being publicly floated, fell a further 3p to 89p on news of full-year taxable profits down 13 per cent to £1.43 million. At the time of the profits warning, the shares slumped 20 per cent to 139p. Directors said "severe recessionary pressures" remained. In the year to end-June, sales outside the UK, US and Europe rose 168 per cent. Earnings fell to 7.1p (8.4p) a share, and a maiden dividend of 1.73p makes 2.08p.

Inveresk improves

A FALL in demand in Germany, a key market, since the prospectus was drawn up this year is the main feature of interim figures from Inveresk, the Scottish papermaker that came to the market on June 2. The figures cover the 27 weeks to June 5 and show pre-tax profits ahead from £3.12 million to £4.53 million. Analysts were not inclined to change full-year forecasts of about £9 million at the taxable level. There is no dividend — the first payment will be this year's final.

Menvier rings up more

MENVIER-SWAIN, the USM-quoted fire alarms and emergency lighting group, said that in the first three months of its current financial year the UK operations were performing ahead of the same period last year. The group unveiled pre-tax profits up 20 per cent to £7.6 million (£5.9 million) and sales 34 per cent better at £56.8 million in the year to end-April. Net borrowings have been eliminated. The total dividend is 11p (9p) via a 7.7p final.

St Modwen pays interim

ST MODWEN Properties is to pay an interim dividend for the first time because of a growing surplus of rental income over interest costs and overheads. The Birmingham company's pre-tax profit rose from £1.04 million to £1.1 million in the six months to May 31. The first-half dividend is 0.2p, against 0.6p for the full year to November 30. Stan Clarke, chairman, said that prospects for the current year are good, with this year's development programme fully let.

Hunt urges united stand for free trade

FROM PHILIP BASSETT IN SALT LAKE CITY

BRITAIN and the US should together fight protectionism, David Hunt, the employment secretary, said.

Mr Hunt's call, made last night in the US, where he is studying unemployment and seeking inward investment deals for the UK, came against a background of growing protectionism by the US against what it sees as unfair commercial practice in Europe — such as action against steel imports. President Clinton is being pressed to take more steps against imports — especially from Japan, but also from the EC — to meet election vows to help the US economy.

The Clinton administration is expected to win approval this week in Washington for an economic package including tax increases and a pledge to create 8 million jobs.

Mr Hunt, speaking to business people in Salt Lake City, Utah, where he is looking at workfare schemes, emphasised

the "special relationship" between Britain and the US, and said that the two countries had "a common interest in maintaining free trade" and must resist "siren voices calling for protection".

Together with flexible labour markets, free trade was a key ingredient to improve competitiveness and to lift the world economy out of recession, the minister said.

Mr Hunt — whose trade speech confirmed his intention to be an employment secretary with a much broader economic base than some predecessors — said that Britain had to face up to the challenge of overseas competition, not retreat behind tariff barriers.

It was a "sad fact that recession has stimulated cries for protectionism in Europe as well as in the US. These must be resisted or we face the danger of some of our EC partners using the US position against the UK".

Dear Fidel: have I got a job for you!

This letter by Colin Narborough is loosely based on a letter Signor Luciano Benetton sent to President Castro yesterday.

Dear Fidel Castro
As you may recall from our meeting last January, I run a highly profitable, publicity-hungry, Italian clothing firm called United Colors of Benetton. If the capitalist company name fails to register with an old revolutionary like yourself, perhaps you can remember shopping at the store I opened in Havana this year.

First, a little background before I come to the point. United Colors has for some years run an "agit-prop" (excuse the borrowed jargon) advertising campaign designed to shock people in buying more of our brightly hued gear. We have thrown everything imaginable at the public to promote awareness of the big universal issues:

harmony between the races and the promise of youth. Not that it has always been taken as well as we intended. My appearance naked on the boardings, images of dying AIDS victims, genital organs and a blood-covered infant had a mixed reception.

As a man who probably understands the business of going too far, seeing how you have run down the Cuban economy, you will appreciate a great idea we have cooked up over here. We have decided to use some of our handsome profits to set up a research centre called Fabrica, housed in an old Venetian villa near Treviso, northern Italy. It will be open to young people from anywhere in the world who have made their mark in the applied arts. We plan to start with about 30 students in late 1994.

This revolutionary school obviously needs a revolu-



Castro: wanted

tionary to run it. And that is where you come in. At 66, you might not have the youth image, but there are few leaders around who can touch you for revolutionary credentials. You were the man who organised a hundred thousand teachers to bring reading to a million Cubans in 1961. Please do

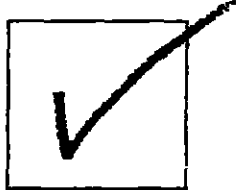
not misunderstand our motives. We are not addressing you as the last bastion of communism. We see you as a teacher. Your time at the helm in Cuba, which began in 1959, is obviously coming to an end. If you choose to retire before someone pushes you out, why not join us in the Veneto. The food, the wine and the climate here are excellent, and the money should more than fill your humidor.

It is with interest that I read of your decision to legalise the use of the Yankee dollar in Cuba. It does indicate what a realist you have become. You could avoid the embarrassment of a new American invasion by taking up my offer.

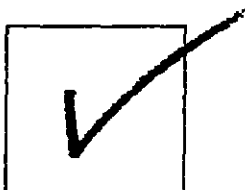
Yours sincerely,
Luciano Benetton, president
PS As a condition of employment, you will have to wear a set of our fatigues rather than the Cuban army issue.

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Hambros to pay £7m in settlement

By PATRICIA TEHAN
BANKING CORRESPONDENT

HAMBROS, the merchant bank, has agreed to pay £7.25 million in out-of-court settlement of claims by trustees of the bankruptcy of Hilmar Reksten, the Norwegian shipping tycoon, who died in 1980. The trustees had claimed about £80 million. The settlement involves no admission of liability by Hambros and bans actions by the trustees, who withdrew all allegations against the bank. The settlement, estimated at £5 million after tax relief, will be charged to the group's inner reserves. Hambros still faces a claim by the Norwegian Guarantee Institute, guarantor of Mr Reksten's loans. The institute lost a case against Hambros in which it claimed £160 million but an appeal is to be heard next year. Mr Reksten's empire collapsed in the 1970s. His fortune was allegedly spirited abroad. Hambros reached a settlement with the institute and the trustees in 1982, but the two started new proceedings alleging that the bank had concealed information. The bank rejects the institute's "unfounded" claim.

Pearson to float Royal Doulton in London and Camco in New York

By COLIN CAMPBELL

PEARSON, the newspaper and banking group, is demerging Royal Doulton, the fine china group, which is to be listed on the London stock exchange in its own right, possible before Christmas. It is also floating Camco, its oilfield equipment and services operation, in New York as the group refocuses on media interests. The two businesses accounted for 30 per cent of Pearson's £1.6 billion sales and about 7 per cent of £156 million operating profit in the year to last December. Lord Blakenham, chairman, said the banking interests of Lazard and the entertainment interests that include various television stakes, Madame Tussaud's, Warwick Castle and Alton Towers, would be retained. His justification for not having these interests off was that banking generated strong cash flows and demanded little of Pearson's management time, while the strictly entertainment interests nicely cross-matched with Pearson's visual/print information and

education activities. Over the past five years, a little over 16 per cent of Pearson's total operating profits has been derived from the investment banking interests. Pearson shares rose 27p to 467p as analysts assessed that the quality of group earnings would now improve. Yesterday, News Corporation, which on March 26 owned 46.13 million Pearson shares, equivalent to 8.49 per cent, confirmed that Goldman Sachs had placed 16.14 million shares through the market at a reported 468p. Pearson said Royal Doulton and Camco would be better placed as individual entities, and that Pearson's management time and financial resources could more profitably be deployed in its other chosen areas. Shares in Royal Doulton will be distributed, free of tax, to Pearson shareholders in a ratio yet to be determined, and should be listed in London by Christmas. Camco will be floated in New York by mid-1994. Pearson intends to retain

some equity stake, but only for "a limited period". Pearson first became associated with Royal Doulton almost 20 years ago, and first took an equity stake in Camco in January, 1976, which was then a public company. Further details of both disposals, including their debt levels and the financial implications for Pearson, will be announced later. Funds raised from the re-jig will be used for the further development of media interests. Lord Blakenham said the moves were an evolution, not a fundamental change. "We are a builder of businesses" he said. The "new look" Pearson will still have a strong balance sheet and, therefore, will be able to consider a range of commercial opportunities from a position of strength. There are lots of opportunities for us, all over the world, Frank Barlow, Pearson's managing director and chief operating officer, said.

Tempus, page 25



Demerging Pearson, headed by Lord Blakenham, will refocus on its core interests

Taiwan approves BAe deal

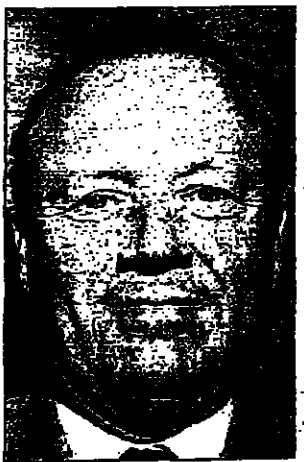
By OUR CITY STAFF

TAIWAN has formally approved the US\$375 million venture with British Aerospace to produce regional passenger jets, removing the last major obstacle to the deal. The Taiwan government yesterday agreed to organise a banking consortium that would provide up to US\$400 million in loans to finance an aircraft lease sales facility, plus \$60 million in initial operating funds. State agencies had agreed to inject more capital into Taiwan Aerospace Corp, the Taiwan partner in the venture, raising the government's total stake to 39 per cent from 29 per cent. The Taiwan government believed it would now have no problem in persuading private Taiwan companies to inject more capital into Taiwan Aerospace, raising its capitalisation to about US\$190 million from \$115 million. The agreement was hailed in the Commons by Tim Sainsbury, the industry minister. The joint venture is likely to protect 10,000 British jobs. The first jet assembled in Taiwan is scheduled to be finished by the end of next year.

Devaluation of the pound is good news for Reuters

By CARL MORTISHED

CURRENCY gains put a gloss on interim results from Reuters, the electronic news and financial information group, where revenue grew by 19.7 per cent to £895 million. The devaluation of sterling in September helped to boost operating profits from £154 million to £184 million in the six months to June 30. But losses on foreign exchange contracts, taken out to protect Reuters from currency exposure, cost £19 million. Pre-tax profits grew 14 per cent to £214 million. On Monday, Reuters announced a £350 million share buy-back, handing back to investors a large chunk of the company's £700 million-plus cash pile at a time when returns from treasury operations are less profitable due to the decline in interest rates. Reuters' interest income fell to £30.6 million (£32.5 million) largely due to a £119 million payment of advance corporation tax in January that depressed cash balances. Peter Job, chief executive, said the company had left itself cash and expenditure on acquisitions was expected to



Job: opportunities

rise in the second half and next year. Reuters would look for businesses that add to its existing products. Mr Job was at pains to dispel any notion that Reuters was servicing a mature, low-growth market. "The financial services industry... is a very important market. Opportunities are everywhere," he said, adding that he expects double digit revenue growth this year, helped in part by the sterling devaluation, with capital expenditure reaching a peak in the current year. The underlying rise in turnover was 5.7 per cent, against the 19.7 per cent rise in the headline figure. Bob Rowley, finance director, said that the company needed to increase the level of revenue growth but the performance needed to be considered in the light of no price increases. Profits contribution from the Americas leapt from £5 million to almost £15 million on growth in turnover to £133 million (£105 million), while Europe brought in £175 million (£155 million) in the previous year. Asian and Pacific-based customers increased their contribution by 22 per cent to £81 million but Mr Rowley said that business was still difficult in the Japanese financial markets. Reuters has 2,628 installations using its Equity Focus service, in competition with the Stock Exchange's Topic service, there are 640 more Dealing 2000-2 stations, while Globex, the futures dealing system, has 331 stations. Mr Job was satisfied with the progress in new dealing products. Reuters is increasing the interim dividend by 17 per cent to 6.2p per share. Earnings per share, adjusted for extraordinary items, were up 14 per cent to 34.4p.

Bids invite begins sale of careers service

By ROSS TIEMAN, INDUSTRIAL CORRESPONDENT

FIRST steps toward privatisation of the careers service were taken yesterday when Ann Widdecombe, junior Employment minister, invited bids to run the service in eight counties and five large urban areas. The pathfinder privatisations are the prelude to transfer to the private sector of career counselling operations for school-leavers. Annual spending by the Employment Department on the service is £120 million. Private sector recruitment companies, employers, Training and Enterprise Councils (TECs) and the local education authorities, which provide the present service, are all invited to tender. "We hope that a wide range of organisations will consider bidding," Miss Widdecombe said. She indicated that consortia would probably be better placed for success if they included staff already working in the careers service. Competitive tendering in the areas selected will take place over the coming three months. Successful bidders will contract directly with the employment department to provide the service for a

period of three years, with an annual review of business volumes and costs. Teaming legislation for privatisation was contained in the Trade Union Reform and Employment Rights Act passed earlier this year. Ministers hope the first privatised operations will be operational by April next year, enabling the rest of the service to be privatised over the next two or three years. Miss Widdecombe said: "High quality careers advice is essential for every young person if they are to make the right choices as they set out in their working life." The pathfinder counties are Avon, Bedfordshire, Cambridgeshire, Gloucestershire, Leicestershire, Northumberland, North Yorkshire and Surrey. In addition, bids are invited to provide the service in Birmingham, Sunderland, Oldham and Wigan, and to supply a single integrated service for the Black Country boroughs of Dudley, Sandwell, Walsall and Wolverhampton. Prospective Careers Service, PO Box 200, Stratford-upon-Avon, Warwickshire.

Three years on.

And right on course.

Energy for the 21st century

Output up 14% to 55TWh

Sales up 22% to £1426 million

Profit up 37% to £661 million

Productivity up 21%

Operating cost per unit down 11%

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company's capacity when it comes on stream in 1994, within budget and ahead of schedule.

The victory of Nuclear Electric in the British Steel Round the World Challenge provided a fitting conclusion to a notable year. We are ready for the government's nuclear review and look forward to it with confidence.



Nuclear Electric

STOCK MARKET

and Scottish & Newcastle 12p to 444p.

□ **GILT-EDGED** Gilts spent a nervous session with prices opening sharply lower ahead of today's £3.25 billion gilts auction, which brokers say may not be fully covered.

Prices closed above the worst of the day, with the September series of the long-gilt ending nine ticks down at £107¹¹/₃₂ as 22,000 contracts were completed. In the cash market, Treasury 9½ per cent 2009 finished £½ lower at £107¹⁰/₁₆, while in long-term Treasury 9 per cent 2012 was six ticks off at £107¹/₃₂. The auction stock Treasury 7 per cent 2001 fell £½ to £177¹/₃₂ in its partly paid form.

MICHAEL CLARKE

BY MARTIN WALLER, DEPUTY CITY EDITOR

buying linked to dear Nikkei futures and buying public pension funds. The Nikkei was up 69.31, or 0.1 per cent, at 19,891.39. Investors were still wary of political uncertainty. (Reuters)

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|------|------|---------------|-----|
| 89. | 88 | Seagram | 25. |
| 37. | 17 | Seam Roebuck | 49. |
| 20. | 20. | Shell Trans | 36. |
| 34 | 13. | Sherwin Wilms | 32. |
| 28. | 28. | Skylark Corp | 18. |
| 53. | 52. | Snaf-On-Tools | 42. |
| 49. | 42. | Southern Co | 41. |
| 115. | 112. | Southern Bell | 40. |
| 66 | 65. | Spirit Corp | 35. |
| 214 | 214 | Stanley Works | 41. |
| 37. | 38. | Sun Company | 26. |
| 20. | 20. | Suntrust | 45. |
| 49. | 49. | Supervahn | 35. |
| 53. | 52. | Synx Corp | 19. |

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|-----|------|-----------------|------|
| 31% | 35% | Unifirst | 19% |
| 35% | 85% | Union | 43% |
| 10% | 105% | Union Carbide | 19% |
| 72% | 72% | Union Pacific | 65% |
| 57 | 57 | Unisys Corp | 10% |
| 71 | 70% | USAIR Group | 16% |
| 11 | 10% | USF&G Corp | 18 |
| 90 | 90 | US Life | 41% |
| 16 | 16 | US West | 47 |
| 26 | 26% | Unicom Tech | 54 |
| 26 | 26% | Unipac | 28 |
| 33% | 33% | Upjohn | 28% |
| 25% | 25% | VF Corp | 41% |
| 54 | 53% | W&J Tech | 31% |
| 24 | 24% | Wal-Mart Stores | 25% |
| 56 | 53 | Werner-Lambert | 65% |
| 9% | 5% | Wells Fargo | 113% |
| 22 | 22% | | |

071-782 7344

LEGAL NOTICES

THE INSOLVENCY ACT 1986 (DORMANT ONE LIMITED) has been registered with the Companies Registrar pursuant to Section 98 of the Insolvency Act 1986, that a Meeting of the Shareholders of the company will be held at 84 Grosvenor Street, London W1A 3QP on Tuesday 5 August 1993 at 11 am. For the purposes mentioned in Sections 99 to 101 of the Act:

A list of the names and addresses of the Shareholders entitled to attend the Meeting will be available for inspection free of charge at Buckeridge & Co., 100, Strand, London WC2R 0BT.

August 1993
Creditors willing to vote
meeting must include a full

[illegible]

address of their Seller
to the undersigned
Shops, 34 Cranmer Street,
WIN 2DF the Liquidator
and Company, and if so
notice in writing from the
Liquidator, or personally
to the Seller, to the undersigned.

[illegible]

BY JON ASHWORTH

said: "There is no evidence of Astra abusing the spirit of the rules, but we will obviously have to look at the rules themselves in the light of Mr Dobson's allegations. There is no need for a full and independent enquiry." He said that the former Skills Training Agency, from which Astra evolved, had been losing £50 million a year under public ownership since 1990.

This represented the last loss to the taxpayer, not Mr Dobson's allegations of asset stripping.

Astra was placed in administrative receivership last week. Since May 1990, when it was formed, 1,200 employees have been made redundant. It has Skillcentre, a career and training

MAJOR CHANGES

| | | | |
|------------------|-------------|-----------------------|-------------|
| RISERS: | | British Aerospace ... | 422p (+13p) |
| Harrolds | 360p (+15p) | Pearson | 467p (+27p) |
| Lloyds | 582p (+15p) | Reed Int. | 657p (+11p) |
| BAA | 758p (+78p) | Land Sec | 619p (+12p) |
| Grand Met | 412p (+12p) | FALLS: | |
| SCS: Newscastle | 444p (+12p) | Highland Dist | 313p (+12p) |
| RMC Group | 793p (+12p) | Meat | 341p (+18p) |
| Inchcape | 542p (+14p) | Lambert | 320p (+15p) |
| Amersham | 804p (+17p) | VSEL | 888p (+12p) |
| Courtaulds | 531p (+11p) | Triploch | 235p (+14p) |
| Eurotunnel Units | 434p (+27p) | Refuge | 833p (+10p) |
| Wellcome | 665p (+25p) | | |
| General Accident | 648p (+12p) | | |

Closing Prices Page 27

RECENT ISSUES

| | | | | | |
|----------------------------|-----|--------|-----------------------------|-----|--------|
| Angene (100) | 50 | +5 | Eagles Inv Warrants | 39 | +4 |
| Baring Chrysalis C (339) | 356 | ... | EnviroNet (110) | 115 | ... |
| Baring Emrg Mkts (810) | 679 | ... | Euromont Warrants 1995 | 19 | +1 1/2 |
| BT (Partly Paid) (150) | 174 | +1 1/2 | Field Group (250) | 286 | -1 |
| Business Power (120) | 143 | ... | Fire Decor (210) | 261 | ... |
| Capelcity (145) | 173 | +3 | Finsbury Smaller Cos C | 149 | ... |
| Celsis International (100) | 101 | -1 | Gowest Emerging Mkts | 102 | +1 |
| Cort Cavendish (225) | 197 | ... | Gowest Emerging Mkts Wts 46 | ... | ... |
| Creston Warrants | 7 | ... | Johnson Fry Utills (100) | 106 | +1 |
| Devo International (170) | 194 | ... | do - Zero Pnt | 105 | - 1/2 |
| Envoir Inv Trust | 98 | +1 | Kay's Gaming A | 767 | ... |

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THE TIMES UNIT TRUST INFORMATION SERVICE

| FT-SE VOLUMES | Cats | Series | Jul | Aug | Sep | Oct | Nov | Dec | Jan |
|---------------|--------|--------|-----|-----|-----|------|-----|-----|-----|
| | | | | | | | | | |
| ASDA Gp | 3,900 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Alfred Neal | 4,200 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Alloy-Nut | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Anglian W | 351 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Anglo W | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Argo Wagon | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| AS Foods | 350 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BAA | 1,600 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BAT Inds | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| B&S | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BP | 5,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BT | 14,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BTR | 6,500 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bk of Scot | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bancury | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bass | 1,300 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Blue Circle | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Blooms | 6,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bowdler | 2,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| B&W | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Brit Airways | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Brit Gas | 7,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Brit Steel | 9,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| British C | 676 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| British W | 2,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| LIFE OPTIONS | | | | | | | | | |
| ASDA Gp | 3,900 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Alfred Neal | 4,200 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Alloy-Nut | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Anglian W | 351 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Anglo W | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Argo Wagon | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| AS Foods | 350 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BAA | 1,600 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
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| Anglo W | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Argo Wagon | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| AS Foods | 350 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BAA | 1,600 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BAT Inds | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| B&S | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BP | 5,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BT | 14,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| BTR | 6,500 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bk of Scot | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bancury | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bass | 1,300 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Blue Circle | 1,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Blooms | 6,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Bowdler | 2,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| B&W | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Brit Airways | 3,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Brit Gas | 7,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| Brit Steel | 9,000 | ASDA | 30 | 35 | 38 | 42 | 45 | 48 | 50 |
| British C | 676 | ASDA | 30 | 35 | 38 | 42</ | | | |

1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets. The second step is to analyze the data. The third step is to develop a plan. The fourth step is to implement the plan. The fifth step is to evaluate the results.

Rise before German meeting

ACCOUNT DAYS: Dealings began July 19. Dealings end July 30. Settlement day August 2. Settlement day August 9. Shareholders are permitted on two previous business days. Prices recorded are at the close. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
|------|------|-----|---------|-------|---------|-----|

| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
|------|------|-----|---------|-------|---------|-----|

| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price | Net Yld | P/E |
|------|------|-----|---------|-------|---------|-----|
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| 1993 | High | Low | Company | Price</ |
|------|------|-----|---------|---------|
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ADMINISTRATION PA/ASSISTANT

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Our client, which features amongst the top 30 law firms in the UK, has developed an enviable reputation for an innovative and commercial approach to providing an effective client service. In support of this profile, the administration departments are developing systems and controls to ensure a cost effective, value-added and speedy response to the firm's constantly changing priorities.

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Working as a PA to either the Chief Officer or the Deputy Chief Officer of the Unit, you will be responsible for organising their workloads using your own initiative to analyse and prioritise work. Your duties will also include arranging diaries, typing correspondence and reports, drafting replies to letters, taking minutes at meetings and liaising with various senior managers and external organisations. The work is varied, the atmosphere is informal, but high professional standards are required.

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For an application form and further details, please contact Reception, FEU, Citadel Place, Tinworth Street, Vauxhall, London SE11 5EH. Telephone: 071-962 1280.

The closing date for applications is 20th August, 1993.

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There will be frequent contact with customers of all over Europe, and with the US organization. The General Manager will travel extensively and will be able to offer the successful candidate a very attractive package.

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Chief Executive of a large, well-known company. The successful candidate will be offered a salary of £17,000 p/a, 10% bonus, 25 days holiday and a pension scheme.

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Christine Webb on why Britons are crossing the Channel for a permanent home in France... and buying a second-hand timeshare

More than a year in Provence

The French property market is enjoying fresh interest from British buyers intent on emigrating to France in what one estate agent describes as "a mass exodus".

Helen Haywood, of the French Property Register in Chislehurst, London, says that 4,500 of the 6,000 clients on her mailing list are looking for a permanent place to live — not a holiday home. "It's a mass exodus of people who are totally disillusioned with Britain. Typically, they've had small businesses and own their own property. They're the Tory voters of the past," she says.

"Now people don't have confidence in the government or its long-term policies. If you're running a British business you know better than the government whether or not you're coming out of recession. When you're still going back wards and only getting empty verbal promises, you don't see the benefit of living in the UK."

"When we started five years ago, people were looking for second homes but now many on my books are in their mid-thirties or forties, with families, who are moving lock stock and barrel."

Keith Hoggart, a researcher in the Geography Department of King's College, London, who is investigating British house purchases in France, has also noted the trend, which follows a two-year lull in British interest.

"Many people want to move to France permanently and are leaving because they are fed up with Britain," he says. "We have unpublished research which suggests they're mainly middle-class, and two-thirds of them never considered moving until they had France. Our surveys show 400 British people in France, and 50 per cent of those live there permanently."

Nobody knows how many British people are now French residents, as there are no official figures. In theory, the entire Eng-

lish middle class could emigrate without the British government knowing (although a Foreign Office official joked that they would know, because *The Times* might fold).

Residents should get a *carte de séjour*, though many fail to, and there were 55,000 British holders in France in 1990. According to the UK Office of Population Censuses and Surveys, 46,700 British crossed the Channel to live in the EEC in 1991, but the figure is not broken down by country.

"In 1989, purchases peaked," Mr Hoggart says. "Banque de France figures show the British spent FF1524 million on French property and that dropped 30 per cent by 1991. But the fall is not as great as it seems as many people are waiting to sell their property here, and still want to buy in France."

Michael Stevenson and Janie Flockhart plan to emigrate when they have sold their £325,000 Georgian house in two acres near Lostwithiel, Cornwall, where they run a bed and breakfast and self-catering business.

"We've been to France about six times and like the lifestyle. We'd prefer to run a self-catering business. Although we are in good B&B guides, it gets a bit like John Cleese here," says Mr Stevenson, aged 47, a former architect. "We keep our heads above water, but our equity is tied up in the house. The turmoil at Westminster doesn't give one a lot of confidence. And the weather's better in France."

Michael Treganowan, of the French Property Shop at Mark Cross, East Sussex, says: "More people are buying a permanent home and moving there in gradual stages, either intending to retire or to run a vineyard, a gîte or a bed and breakfast business. People selling a £200,000 house near London can buy a comparable house in France for a third of the



Fancy a home and a holiday business? The chateau near Limoges which is up for sale at £294,000

price and invest the remainder." Mr Treganowan cites a five-acre estate in the Perigord, northern Dordogne, with enough outbuildings to convert into ten gîtes, which has dropped from FF1,272,000 to FF850,000 (about £100,000), and a restored house in Charente-Maritime, complete with gîte, reduced from FF95,000 to £80,000. A chateau on the borders of the

friendly". And for poor French speakers, the English are now offering services like building maintenance.

"Some French government officials were worried about the number of British coming in, particularly those who brought their bricks and mortar with them on the ferry," he says. "But when it was seen they were buying homes that the French didn't want and upgrading them, there was less concern. Depopulation in France has been big for a long time, and these are decaying areas. The French prefer new homes near their work, and that's why there's been no conflict."

Frank Rutherford, of Rutherford's agency, London, says British is brisk south of the Loire where people are chasing the sun to buy. "People wanting permanent residences are a higher proportion of our business now. Unless they're already in the business here, we know that's a non-starter. By the time they've converted the barn, they can't make a go of it because they've got to mortgage as well as enough to live on."

"Some want to get into a country that's more economically stable than Britain. People taking early retirement often start a gîte operation. They're not just buying a property, they're buying a lifestyle."

Susan Cunningham, 46, and her 47-year-old husband Peter are typical. They took the plunge three years ago, spending £35,000 on a large house in Deux-Sèvres, south of the Loire.

"We've converted our barns into four holiday homes and by January were fully booked for the summer," Mrs Cunningham says. "We've put in a swimming pool and we and our five-year-old daughter are very happy. We've been swimming since May. We often drop Laura at school and go to the beach for the day. We lived in Watford before. It took 1½ hours to commute 15 miles into London. Our cost of living is no lower here but it's lovely not having a mortgage, and we are making enough to live on."

"We were the only British in the area when we moved, and no one spoke English. But more and more British are arriving. The biggest wrench was giving up the monthly salary, but we have no regrets."

More people are intending to retire or to run a vineyard, a gîte or a bed and breakfast business

Creuse and Haute-Vienne in the Limousin region, redecorated and rewired throughout and now run successfully as a guest house, with two holiday homes, plus a potential income of £30,000 a year, has been reduced from about £400,000 to £294,000. Mr Hoggart, who has jointly written an occasional research paper on French estate agents, offers emigrants good news: 90 per cent of Britons in France find their neighbours "very

Cheap way to share some time abroad

owning a gîte in the south of France or a villa in Tuscany is beyond your means, you might want to think about buying a second-hand timeshare.

The cheapest way to buy is often through a timeshare resale agency, which registers timeshares of individual sellers. Such agencies make their profits from taking sellers' registration fees and will not spend much money on promoting resale weeks. This can mean huge savings for you, but without the conventional developer's timeshare sales presentation you will have to research the market and take active steps to buy.

Several agencies advertise in the newspapers. Avoid the fly-by-night operations that rake in sellers' registration fees over a short period before closing down. Use one of the better established agencies, such as Holiday Bourse in Sudbury, Suffolk, or its main rival, Primeshare International in Stowmarket, Suffolk.

Such agencies may add a commission to their resale prices but will offer a buyer more assistance — including, where available, details and photographs of resorts on offer.

In considering your resale purchase, you are not forced to make an immediate decision as at many timeshare sales "presentations". You can research your market to find out about timeshare generally, you can attend conventional sales presentations for research purposes, and get answers to your questions at the industry's expense. Be sure to resist any sales pressure and use your right to leave without buying.

To check a specific resort registered with an agency, make an inspection trip and ask questions of owners on site. The agency will often organise such a trip for you at nominal cost, by arrangement with the seller.

Be wary of the timeshare resort whose units are almost sold out. Management control may have passed from the developer to the owners. Unfortunately, this often leads to a deterioration in facilities. You may then be better off buying in a newer resort.

Whichever resort you choose, make sure that it is affiliated to one of the main exchange companies, Resort Condominiums International or Interval International. This will offer some guarantee of standards.

Depending on the agency's policy, you will be negotiating your purchase through the agency or directly with the seller. Many sellers are not using their timeshares and begrudge paying the annual maintenance fee. Some will part with their weeks for far less than they originally paid. For this reason you should always haggle over the asking price.

Generally, you should pay no more than half the developer's current price for similar weeks. Recently, Holiday Bourse offered a week's Spanish timeshare, sleeping four, which would cost £5,300 new, for £1,200 (a 77 per cent saving).

Alternatively, a week's UK timeshare, sleeping six, was available for £3,500 instead of £8,000 (a 56 per cent saving).

You can often buy a good timeshare week for £300 to £600 — up to 20 per cent less than the developer's current price.

The weeks going cheapest usually belong to resorts that have been hard-sold over the years. A good example is Club Praia da Oura in Algarve, Portugal. But there will be no reduction on a timeshare's maintenance and exchange costs. Check the maintenance charge, which, unlike exchange fees, can fluctuate. At some resorts it may be very high, perhaps £300 a week, because the developer kept it artificially low early in the sales campaign.

Be prepared for failure should you decide, in your own turn, to resell. According to Brian Wates, the managing director of Holiday Bourse, even the best resale agencies off-load no more than 3 to 4 per cent of registered weeks.

Although there are other ways to resell, the message is clear. The timeshare resale market, a potential solution for buyers, is not functioning for the UK's 60,000 or so timeshare sellers.

ALEXANDER DAVIDSON

Law Report July 28 1993 House of Lords

Injunctions can be made against ministers of the Crown

M v Home Office and Another

Before Lord Keith of Kinkaid, Lord Templeman, Lord Griffiths, Lord Browne-Wilkinson and Lord Woolf. [Speeches July 27]

Injunctions, including interim injunctions, could be made against the Crown and ministers and other officers of the Crown, and a minister or his department would be liable to proceedings for contempt of court for breach of an injunction made against him or it.

The House of Lords dismissed an appeal by the former Secretary of State for the Home Department, Mr Kenneth Wilford Baker, and a cross-appeal by the applicant, M, from the Court of Appeal (Lord Donaldson of Lynton, Master of the Rolls, Lord Justice McCowan and Lord Justice Nolan) (The Times December 2, 1991; [1992] 1 All ER 329) which had allowed in part M's appeal from Mr Justice Simon Brown (The Times August 5, 1991) and had held that the secretary of state personally had been guilty of contempt of court.

The House of Lords varied the order of the Court of Appeal by substituting the Secretary of State for the Home Department for Mr Baker personally as the person against whom the finding of contempt was made.

Mr Stephen Richards, Mr Richard Gordon and Mr Stuart Catchpole for Mr Baker; Mr Sydney Kenridge, QC, Mr Richard Scannell and Mr Anthony Bradley for M.

LORD WOOLF said that this was the first time that a minister of the Crown had been found to be in contempt by a court. In ordinary circumstances ministers and government departments invariably scrupulously observed decisions of the courts and it was unnecessary for the courts to make executive orders against them.

M was a citizen of Zaire. He had arrived in the United Kingdom on September 23, 1990, and claimed asylum, which had been refused. His application for leave to apply for judicial review of the decision to refuse asylum had been refused by Mr Justice Kennedy. He had renewed his application for leave before the Court of Appeal, which had refused it on May 1, 1991.

Outside the Court of Appeal after the hearing, new solicitors acting for M and the counsel then instructed had informed counsel for the Home Office and his instructing solicitor that a fresh application, on fresh grounds, was to be made to Mr Justice Garland, the judge in chambers.

made the following day to a nominated judge.

Mr Justice Garland had understood counsel for the Home Office to have undertaken that M would be removed pending the making of that application. His order had been made on that basis. Counsel had not, however, intended to give an undertaking and did not believe that he had done so.

Unfortunately, steps that had been taken to prevent M's removal had been unsuccessful, and at 6.30pm the aircraft carrying M had commenced its departure for Zaire via Paris. No action had been taken by the Home Office to prevent M leaving Paris, and at 10.40pm the aircraft had departed from Paris.

At about 11.20pm M's solicitor had telephoned Mr Justice Garland at his home and informed him of what had happened. The judge had made a mandatory order on the telephone requiring the Home Secretary to return M to this country. In a later written order, he had given the secretary of state liberty to apply to vary or discharge the order on May 2.

No application had been made on that day, but a meeting between Mr Baker and his officials had been arranged for 4pm. At the beginning of the meeting Mr Baker had known nothing about the case. At 5.15pm a conference had taken place with treasury counsel. Counsel had advised that as the liberty to apply granted by the judge, although spent, indicated the Home Office should have an opportunity to challenge the judge's order, it should take the opportunity at the earliest practicable time and in the meantime it might reasonably hold its hand.

As a result, a booking for M's return flight had been cancelled and arrangements had been made for an application to be made to the judge at 8am on May 3.

On that application, the judge had concluded that he had had no jurisdiction to make his order. In the light, however, of his expressed opinion, which had been refused, holding that an undertaking had been given, the minister had decided to effect M's return to the UK. It had, however, been impossible to contact M and his whereabouts were now unknown.

On May 7 proceedings had been commenced on M's behalf for contempt of court in the failure to comply with the order of May 2. At the hearing before Mr Justice Simon Brown, the only charges maintained had been against the Home Office and Mr Baker. The Home Office had concluded that he had no power to make a finding that either was guilty of contempt.

If he had had such power, he would have found the Home Office in contempt in failing to prevent M from leaving the plane in Paris being put on the plane to Zaire. The judge had had had notice that an undertaking had been given to the court and of its terms. He had concluded that it would be wrong to find the secretary of state in contempt since

it was not established that he had had a reasonable opportunity to decide to seek, and then in fact to seek, discharge of the judge's order prior to 8am on May 3.

The Master of the Rolls had described Mr Baker's contempt as a very serious one because he had taken a deliberate decision that had the effect of ensuring that an order of the court was not complied with, with potentially irreparable and even fatal consequences for M for whose protection it had been made. He had, however, added that Mr Baker's culpability had fallen at the lower end of the scale because, *inter alia*, he had had no advance knowledge of M's case before 4pm on May 2; he had very little time to decide on his course of action and he had been advised, wrongly, that the courts order had been made without jurisdiction and might have got the impression that it could be treated as a nullity.

Both Mr Richards and Mr Kenridge had placed at the forefront of their arguments the issue as to whether the courts had jurisdiction to make executive orders against the Crown or ministers of the Crown.

Having considered, *inter alia*, *Ralph v Goshen* ([1971] 1 Ch 73), the position so far as civil wrongs were concerned prior to the Crown Proceedings Act 1947 could be summarised by saying that, as long as the plaintiff sued the actual wrongdoer or the person who had ordered the wrongdoing, he had been able to bring an action against officials personally. In particular as to torts committed by them, and they had not been able to hide behind the immunity of the Crown.

That had been the position even though at the time they had been acting in their official capacity. In those proceedings an injunction, including, if appropriate, an interlocutory injunction, could be granted. The effect of the 1947 Act could be summarised by saying that it was only in those situations where prior to the Act no injunctive relief could be granted that section 21 prevented an injunction being granted. In other words, it had restricted the effect of the procedural reforms that it had implemented so that they did not extend the power of the courts to grant injunctions. That was the least that could be expected from legislation intended to make it easier for proceedings to be brought against the Crown.

The prerogative remedies could not be obtained against the Crown directly, as had been explained by Lord Denham, Chief Justice, in *R v Powell* ([1941] 1 QB 352, 360) "because there would be an inconsistency in the Queen commanding herself to do an act, and also because the disobedience to a writ of mandamus is to be enforced by attachment."

Originally that difficulty could not be avoided by bringing the proceedings against named ministers of the Crown, but, where a

duty had been imposed by statute for the benefit of the public on a particular minister, so that he had been under a duty to perform that duty in his official capacity, then orders of prohibition and mandamus had been granted regularly against the Crown. The proceedings had been brought against the minister in his official name.

In accordance with that practice there had been numerous cases where prerogative orders, including orders of prohibition and mandamus, had been made against ministers. That had been the position prior to the introduction of judicial review in 1977 by Order 53 of the Rules of the Supreme Court, first given statutory authority by primary legislation in section 31 of the Supreme Court Act 1981.

In section 31, the jurisdiction to grant declarations and injunctions against ministers of the Crown, as had been numerous cases already existed in relation to the prerogative orders. It had never been suggested that a declaration was not available in proceedings against a minister in his official capacity, and if Order 53 and section 31 applied to a minister in the case of declarations one would expect the position to be the same in the case of injunctions.

Lord Bridge of Harwich in *R v Secretary of State for Transport, Ex parte Factortame Ltd* ([1990] 2 AC 613), however, had concluded that an injunction could not be granted against a minister in proceedings for judicial review. A primary cause for his having taken that view had been that he had concluded that it would be a dramatic departure from what had been the position prior to the introduction of judicial review, so that the change that one that could be expected to be made only by express legislation.

His conclusion had not, however, been based on as comprehensive an argument of the history of both civil and prerogative proceedings as had been available to their Lordships.

In particular, he had not had an account of the developments that had taken place in the granting of prerogative orders against ministers, which meant that in practical terms the only consequence of treating section 31 of the 1981 Act as enabling injunctions to be granted against ministers acting in their official capacity would be to provide an alternative in name only to the orders of prohibition and mandamus that were already available and to allow interim relief other than a stay for the first time.

A secondary cause had been his reliance on the judgment of Lord Justice Ungoed-Thomas in *Merriells v Heathcoat-Amory* ([1955] Ch 567), a judgment that his Lordship considered should be approached with caution.

His Lordship was of the opinion that, the language of section 31 of the 1981 Act being unqualified in its terms, there was no warrant for restricting its application so that in respect of ministers and other

officers of the Crown alone the remedy of an injunction, including an interim injunction, was not available. The history of prerogative proceedings against officers of the Crown supported that conclusion.

So far as interim relief was concerned, which was the practical change that had been made, there was no justification for adopting a different approach to officers of the Crown from that adopted in relation to other respondents in the absence of clear language such as that contained in section 21(2) of the 1947 Act. The restriction in section 21(2) remained in relation to civil proceedings.

The fact that the court should be regarded as having jurisdiction to grant interim and final injunctions against officers of the Crown did not mean that that jurisdiction should be exercised except in the most limited circumstances.

In the majority of situations so far as final relief was concerned, a declaration would continue to be the appropriate remedy on an application for judicial review involving officers of the Crown. As had been the position in the past, the Crown could be relied on to co-operate fully with such declarations.

To avoid having to grant interim injunctions against officers of the Crown, his Lordship could see no advantages in the courts being able to grant interim declarations. However, it was undesirable to deal with that topic, if it was not necessary to do so, until the views of the Law Commission were known.

There having been jurisdiction for Mr Justice Garland to make the order that he had made, it could not be suggested that it had been inappropriate for him to have done so. He had therefore not been required to set it aside, although his decision to do so had been inevitable having regard to the state of the authorities at that time.

In considering the effect of the advice understandingly given to Mr Baker that the order had been made without jurisdiction, there were two important considerations:

First, the order had been made by the High Court and had to be treated as valid and not to be obeyed until it had been set aside. Second, it was undesirable to talk in terms of technical contempt. If there was a situation in which the view was properly taken, usually in accordance with legal advice, that it was reasonable to defer complying with an order of the court until application was made to the court for further guidance, then it would not be to prevent tribunals going into the merits or demerits of collective industrial disputes was unusual. The Employment Appeal Tribunal so held when allowing an appeal by the employers, TNT Express (UK) Ltd, from a decision of a Birmingham industrial tribunal in March 1992 awarding Mr R. L. Rigby and ten others compensation for unfair dismissal following industrial action at the employers' Cannock depot.

pending the hearing of the application.

While it was understandable that there should have been delay before Mr Baker could give the matter personal attention, the judge had not been kept informed of what was happening and totally inadequate steps had been taken to protect M's position.

Contrary to the view of the Court of Appeal, his Lordship did not believe that there was any impediment to a court making a finding of contempt, when it was appropriate to do so, against the Crown directly but against the government minister or a minister of the Crown in his official capacity.

In the exceptional situation when a government department's conduct justified it, the ability of the court to make a finding of contempt was of great importance. It would demonstrate that a government department had interfered with the administration of justice.

In accordance with tradition, the finding should be made not against the "Crown" by name but in the name of the authorised department, or the Attorney-General, or the minister so as to accord with the body against which the order had been made.

If the order had been made in

civil proceedings against an authorised department, the department would be held to be in contempt.

On judicial review the order would be against the minister, and so normally should be any finding of contempt in respect of it.

The finding under appeal had been made against Mr Baker personally in respect of an injunction addressed to him in his official capacity as the Secretary of State for the Home Department. It had been appropriate to direct the injunction to the secretary of state in his official capacity since remedies on an application for judicial review that involved the Crown were made against the appropriate officer in his official capacity.

That did not mean that it could not be appropriate to make a finding of contempt against a minister personally provided that the contempt related to his own default. By making the finding against the minister in his official capacity the court would be indicating that it was the department for which he was responsible that had been guilty of contempt.

His Lordship had little doubt that, if the Court of Appeal had appreciated that they could make a finding against Mr Baker in his official capacity, that is what they would have done. The conduct complained of had not been that of Mr Baker alone, and he had been acting on advice. His error had been understandable, and there was an element of unfairness in the finding against him personally.

His Lordship would accordingly dismiss the appeal save for substituting the Secretary of State for the Home Department for the person against whom the finding of contempt had been made. That was the alternative decision that had been the subject of M's cross-appeal, except that there the order had been sought against the Home Office rather than the Home Secretary.

LORD TEMPLEMAN, agreeing with Lord Woolf, said that the argument that there was no power to enforce the law by injunction or contempt proceedings against a minister in his official capacity would, if accepted, establish the proposition that the executive obeyed the law as a matter of grace, not of necessity, a proposition that would reverse the result of the Civil War.

Lord Keith, Lord Griffiths and Lord Browne-Wilkinson agreed with Lord Woolf.

Solicitors: Treasury Solicitor; Winstanley-Burgess.

Industrial tribunal entitled to examine surrounding facts

TNT Express (UK) Ltd v Rigby and Others

Before Mr Justice Woolf, Miss J. W. Collier and Mr D. G. Davies. [Judgment July 24]

Where an employee had been dismissed for taking part in industrial action, within the meaning of section 62(1) of the Employment Protection (Consolidation) Act 1978, an industrial tribunal was entitled to examine the facts and circumstances surrounding that dismissal when considering any reduction in compensation.

The concession by counsel in *Courtauld Northern Spinning Ltd v Mosses* ([1984] 1 CR 218) that the general intention of Parliament lying behind section 62 was to prevent tribunals going into the merits or demerits of collective industrial disputes was unusual. The Employment Appeal Tribunal so held when allowing an appeal by the employers, TNT Express (UK) Ltd, from a decision of a Birmingham industrial tribunal in March 1992 awarding Mr R. L. Rigby and ten others compensation for unfair dismissal following industrial action at the employers' Cannock depot.

Section 62 of the 1978 Act provides: "The provisions of this section shall have effect in relation to an employee... who claims that he has been unfairly dismissed by his employer where at the date of dismissal... (b) the complainant was taking part in a strike or other industrial action."

"(2) In such a case an industrial tribunal shall not determine whether the dismissal was fair or unfair unless it is shown (a) that one or more relevant employees of the same employer have not been dismissed."

Mr Patrick Elias, QC and Mr Paul Goulding for the company; Mr Alan Rawley, QC and Mr Kevin O'Donovan for the employees.

MR JUSTICE WOOLF said that the purpose of the appeal was to decide whether the decision of the appeal tribunal in *Courtauld Northern Spinning Ltd v Mosses* should be followed in future.

Based on the concession by both counsel the appeal tribunal in *Courtauld* had decided that section 62 excluded industrial tribunals from considering whether an employee acted reasonably in dismissing an employee engaged in industrial action.

In the present case the company carried on the business of express parcels delivery with a number of depots throughout the country. In January 1991 industrial action took place at the Cannock depot and all the participating employees were dismissed.

Two long-standing employees were subsequently re-engaged and following advertisements in a local paper 25 previous employees accepted jobs.

On complaints of unfair dismissal under section 62 of the Act it was conceded that the dismissals

were unfair and the issue of compensation arose. Clear guidance on the meaning of section 62(1) and (2) was given by the Court of Appeal in *Power Packing Casemakers Ltd v Faust* ([1983] 1 CR 202, namely that once it was established that the employee was at the date of his dismissal engaged in a strike or other industrial action, the industrial tribunal could only enter upon a consideration of the merits of the case if it could be shown that the employee had been subjected to discriminatory treatment in the matter of dismissal.

That was the correct understanding also seemed to follow from the wording of section 62(2) itself when compared with the earlier provisions.

Until 1975 an industrial tribunal could consider fairness. Thereafter it could not consider anything unless there was discrimination. But it was shown that a discriminating factor existed then the tribunal should consider fairness or unfairness just as in any other case. The concession made in *Courtauld* was unusual.

The appeal would be allowed and the case remitted to the same industrial tribunal for assessment of compensation with the guidance that circumstances surrounding the industrial action were relevant.

Solicitors: Taylor Johnson Carr; Jennings Perks & Breakwell, Aldridge.



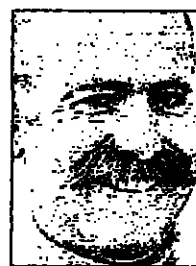
THEATRE page 34

Connie Booth, who is underused in an underwritten play about understudies.

ARTS

BOOKS page 35

Art of the glimpse: the increasing popularity with authors and readers of short stories



ROCK: Adrian Deevoy sees Prince's new European tour get off to a typically lively start

Playing the name game, and winning

An advanced identity crisis was wrestling within the 63 inches of abundantly gifted performer we used to know as Prince. His playful plea of "What's my name?" punctuated the opening show of his European tour. At one point, the crowd in Birmingham's National Indoor Arena having reminded him that his name was indeed Prince, he asked cryptically "What's the matter with Victor?" This was an allusion to the body denied rumour that he had adopted a moniker more suited to a first world war flying ace.

Prince's name, it transpired, is not Prince or Victor but the male/female hieroglyphic he adopted three months ago. Some people have taken to calling him Symbol, friends presumably use a diminutive. To complicate matters he opened with an emphatic reading of "My Name is Prince". A pithy comment on the nature of personality or just a throbbing funk number to get the house on its feet?

Cynics and psychologists alike have suggested that Prince's current obsession with name-play, sexual ambivalence and general code confusion might be attributable to a mid-life crisis of sorts, a musical menopause. This Prince has indicated, is the last time he intends to perform his more celebrated songs. Apparently, it is time to move on. This is a similar manoeuvre to one attempted by David Bowie on his Sound and Vision tour in 1990. He would play the songs that made him famous one last time and then consign the luggage of his past to the locker of history.

It is doubtful whether Prince wants to hang up his hits and form a dodgy Tin Machine-style heavy metal band. But following the release of two greatest hits packages this coming September, some form of re-invention would appear necessary, if not essential. His last three tours of Britain have, like Russian dolls, become diminishing versions of an identical idea. The gimmicks — arriving on stage

in a car, shooting basketball hoops between songs and romping on a big brass bed with assorted nymphettes — have slowly been stripped away. But the template for the show has remained the same, although such is the seeming limitlessness of Prince's live talents that he has always stood head and shoulders, metaphorically speaking, at least, above the competition.

Now, in his 36th year, Prince, should he choose to do so, could coast more successfully than most. But one suspects a lengthy reacquaint-

'Metaphorically at least, he stands head and shoulders above the competition'

ance with the Paisley Park drawing board is imminent.

On stage Monday night Prince considered the oft-eluded charge of his being too prolific. "Some people say I make too much music," he said in a surprisingly deep speaking voice. "Some people say you can't keep it up. But I'm under the impression that I make just enough music."

Despite the rapid regularity of his releases, Prince records continue to sell. (His last, "Symbol", album already has more than 300,000 owners in Britain.) Clearly, he still has an audience, although quite who that audience is remains as much a mystery as the small man himself.

In Birmingham, just two of the 12,000 people in attendance wore their allegiance on their flared satin sleeves. Judging by appearances this was an audience who would just as happily attend a Sting concert. It was impossible to imagine what Prince thought as he stared out into this sweat-soaked crowd as they mouthed

along to his weird words of energetic sex, Catholic guilt and occasional omnipotence.

The only clues to the workings of his maverick mind were given by two Diamond Vision screens which allowed for close scrutiny of Prince's extraordinary repertoire of facial expressions. Rarely a moment went by when he wasn't rolling his eyes heavenwards, fluttering his long mascaraed lashes or coquettishly averting his gaze in a fashion that seemed to say "Why are you all staring at me?"

The stage show wasn't radically different from that used for last year's *Diamonds and Pearls* outing: psychedelic lights churned, fireworks fizzed and what appeared to be a giant door-key hung precariously above the band. The exotic backing singers and rapper had been replaced by Prince's latest mate, an adequate but unimpressive dancer called Mayte Garcia.

The New Power Generation continue to be a yardstick by which all funk bands should be judged. In many ways they are the JB's of their time, playing with the same disciplined drive as James Brown's power-drilled backing group.

But their reach extended far beyond what Prince repeatedly referred to as "my funk". Stylistically they turned on a dime, much in the manner of Frank Zappa's mid-Seventies musical collectives. They switched from the loose-limbed rock of "Let's Go Crazy" and "Raspberry Beret" to "Sexy M F" and "Sign O' The Times" — a pared-back house pulse, then changed down to the bedroom soul of "Scandalous", without the faintest hint of gear grind.

Sadly it wasn't until midway through the set that the sound was fully straightened out. When finally remedied it was as if a sturdy condom had been removed from Prince's microphone. His guitar playing, however, was loud and lucid throughout, as he peeled off increasingly filthy riffs culminating in a superbly overblown "Purple Rain".



Prince on stage in Birmingham: with the release of two greatest hits packages this coming September, some form of re-invention seems necessary. His last three tours of Britain have been diminishing versions of an identical idea

An Indian-spiced version of "1999" followed by a breakneck "1999" led into the encores. These showcased five new monosyllabically titled songs, including "Come", "Johnny" and "Peach", the last of which sounded like ZZ Top after hormone-replacement therapy. After a full ten minutes of darkness Prince skipped back to centre-stage, a twinkle in his eye and a lollipop in his mouth, to unravel the mystery of his identity. "If you're always with me," he explained, "you don't have to call me anything." Judging from the crowd's roared response they were with him on this one. Well, it made life simpler.

ARTS BRIEFING

Mersey mission

GOOD news for the troubled Royal Liverpool Philharmonic Orchestra. Libor Pesek, its music director, has agreed to extend his contract, taking the orchestra through one of the most difficult periods in its history. The 60-year-old Czech conductor was due to leave next May after seven years but has decided to remain for a further 12 months.

In the past 12 months, the society which runs the orchestra has notched up a trading deficit of almost £500,000, caused, says its chairman Brian Thaxter, by recession and falling sponsorship. Last year led to five senior staff left within six months. Next year the RLPO will move base from its Hope Street hall while a £9 million refurbishment programme begins. Pesek's decision follows a vote of confidence in him by orchestral members in June.

AFTER nine years of research, a 59-year-old drama lecturer from Derbyshire can claim to be Britain's first Dr Disney. Robin Allan has gained what is probably the country's only PhD on Walt Disney and his work. The Exeter University doctorate crowns 50 years of Allan's fascination with Walt's work.

Last chance...

VINCENT WOOD'S *At the Black Pig's Dyke* may not be the definitive play about the Ulster troubles — what is? — but it is a grimly imaginative tale of sectarian revenges. Moreover, the company performing it, Galway's Druid Theatre, intermittently moves from realism into a marvelously sinister folk play mode. Final performance is at Kilburn's Tricycle Theatre (071-328-1000) on Saturday.

ARCHITECTURE: Marcus Binney on a triumph of urban conservation

Bath builds on past glories

Bath is a changed city. Not since De Gaulle ordered the cleaning of Paris in the 1960s has a stone-built city been so ravishingly transformed. Streets of honey-coloured and oatmeal facades are emerging from careful washing without a blemish. Here is one of conservation's greatest, but most unsung, achievements, revealing a depth of beauty comparable to Venice or Prague.

Yet today the debate about what kind of new architecture should be allowed in Bath is as heated as ever. Time has done nothing to soften the outrageous packing-case blocks of the 1950s and 1960s, so ferociously highlighted in Adam Ferguson's 1973 book, *The Sack of Bath*. His polemic brought the demolition of the Georgian city to a halt, but the march of outsize, chunky blocks continued.

Meanwhile, attempts to build in traditional style have come under fire as copy, fake, or pastiche. Yet in a strict sense there is very little pastiche in Bath. Instead there is straightforward revivalism of an impressively exacting quality.

One of the most successful practitioners is the architect Aaron Evans. "In the historic core we found it better to adopt a position of respect rather than make a grand statement of our time," he says. "Bath is a seamless robe precisely because a whole posse of individual architects were willing to work in one tradition."

Co-operating with other



Bath's Seven Dials: good looks, correct classical detail

practices, notably Tekus and Nicholas Magniac, Evans has worked his healing powers on a series of blighted streets. At Seven Dials, a sloping wedge-shaped site on which nobody could agree what to build, he has designed a domed corner rounda with elegant Bath stone frontages stepped up the hill behind. The good looks stem from excellent masonry, fine proportions and correct classical detail. Stephen Green, the managing director of Future Heritage, the developers, says: "The offices let within a month. Building in this way costs more but we achieve better rentals."

The surge of interest in careful detailing has been spurred by a brilliant new venture, "The Building of Bath Museum", which is housed in the former Countess of Huntingdon's chapel. Christopher

Woodward, the curator, says: "Rather than tell people what they should not do, we try to intrigue them with the subtleties of Georgian building."

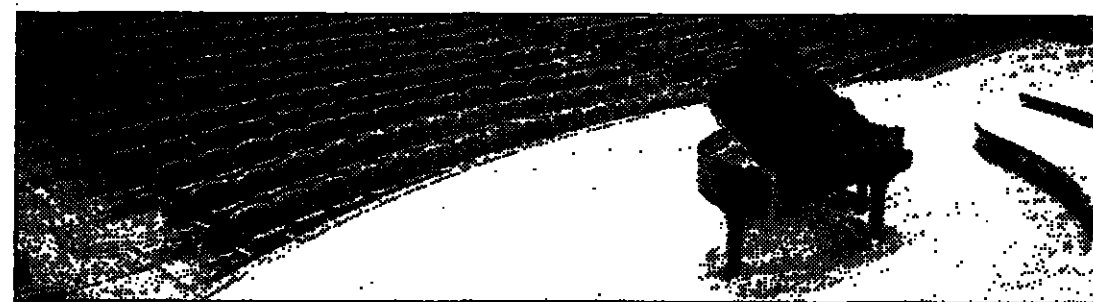
The worst feature of the past decade has been a contemporary vernacular — as if the Cotswolds were invading Bath, with endless gables and overhanging eaves. The beauty of Bath lies in facades of doll's house simplicity, set in regular rows along the pavement. Bath has been plagued by a series of "close" style developments of large apartment blocks, especially along the river. These are set back from the street and surrounded by a sea of tarmac, slip roads and reversing points. The whole grain of the Georgian city is lost.

Bath's forays into Post-Modernism have also been unsuccessful. "A joke for five

minutes and a disaster for a lifetime," says Tim Mowl of the entrance to the Colonnades Shopping Centre, in his preface to the new edition of *The Sack of Bath*. Today it is hard even to see the joke. The Northgate Street front of the new Podium shopping centre is the architecture of a sponge cake, with capitals and columns designed in imitation of nuts and bolts. (Inside the tongue-in-cheek classical detail is more stylish).

The fashionable new modernism, all white metal trim and strong horizontal lines, is seen to very good effect in a new home for the elderly, Bridge Care, by Cleveland Bridge. Richard Feilden, the architect, says: "We kept the eaves below those of the adjoining semis to avoid any institutional feel." It is faced not in Bath stone but in a superior concrete block, laid as neatly and carefully as the best masonry, with narrower bands echoing the string courses in a Georgian front. Here is an intelligent reinterpretation of the classical language in a modern idiom.

Four years ago Tim Mowl called in exasperation for architects like Quinlan Terry, Robert Adam and John Simpson to be brought in to show what "progressive classicism" could offer. His plea has been answered in an unexpected way. Bath architects, like Aaron Evans and Richard Feilden, are showing that sympathetic architecture of quality, traditional and modern, can be provided locally.



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LONDON

PHOTOS. Composed during the happiest and most successful period of his career, Mahler's Ninth Symphony is a masterpiece of the late style — personal and profound — which were to make the composer four years later. Tadaaki Otaka conducts the BBC Welsh Symphony Orchestra. Royal Albert Hall, Kensington Gore, SW7 071-388 8212, 7.30pm.

A CONNECTICUT YANKEE. Ian Talbot reviews the Rodgers/Hart musical based on Mark Twain. Willy Lynch, pretty songs. Opening night. Open Air Theatre, Regent's Park, NW1 071-485 2431. Tonight, 8pm; and continues in the repertoire until Aug 4.

KNOX BALLET. The Knox approaches the end of its marathon season with performances of *La Cenerentola* and *Swan Lake*. The final *Swan Lake* performance will be the last by the company's artistic director, Oleg Vinogradov. *La Cenerentola* brings the repertoire to a close. Coliseum, St Martin's Lane, WC2 071-385 3161. *Swan Lake*, tonight, tomorrow, 7.30pm. *La Cenerentola*, Fri, Sat, 7.30pm, mat Sat, 2.30pm.

BRITISH BALLET. The Royal Ballet's star company visits Covent Garden with a fine season

TODAY'S CHOICE

A daily guide to arts and entertainment compiled by Matt Hargre

which started Monday with *Sleeping Beauty*. There are also two performances of a triple bill that brings together the three ballets of the Royal Ballet's repertoire. Covent Garden, Fri, Sat, 7.30pm, mat Sat, 2.30pm.

REGIONAL

STRAFORD-UPON-AVON. David Sumner, Jeffrey Kinsford, Barry Lynch in David Thacker's production of *La Cenerentola*. The Other Place (0782 255223). Performances from tonight, 7.30pm; opens August 3, 7pm.

CHICHESTER. Continuing in the repertoire are the revival of *La Cenerentola* and *Swan Lake*. The Other Place (0782 255223). Performances from tonight, 7.30pm; opens August 3, 7pm.

THEATRE GUIDE

January (original) assessment of theatre showing in London

■ House full, returns only
■ Some seats available
■ Seats at all prices

mat tomorrow, 2pm, 10.15pm. (S)

■ **JUNO AND THE PAYCOCK.** Return of the acclaimed David Theatre. David Theatre, Chichester, Sussex. WC2 071-867 1118. Mon-Sat, 7.45pm, mat Wed, 2.30pm. Mon-Sat, 7.45pm, mat Wed, 2.30pm.

■ **THE LAST YANKEE.** Subtle and touching Arthur Miller premiere. Margot Fothergill, David Theatre, Chichester, Sussex. WC2 071-867 1118. Mon-Sat, 7.45pm, mat Wed, 2.30pm. Mon-Sat, 7.45pm, mat Wed, 2.30pm.

■ **THE MADNESS OF GEORGE III.** Richard D'Oyly Carte's classic comic opera. The Old Vic, London. SW1 071-837 5555. Mon-Sat, 7.45pm, mat Wed, 2.30pm. Mon-Sat, 7.45pm, mat Wed, 2.30pm.

■ **MARVIN'S ROOM.** Alison Steadman as a high-strung Florida woman facing up to reality in Scott McPherson's excellent play. Hampstead, Swiss Cottage, London. NW1 071-837 5555. Mon-Sat, 7.45pm, mat Wed, 2.30pm. Mon-Sat, 7.45pm, mat Wed, 2.30pm.

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THEATRE: Benedict Nightingale on a botched opportunity for backstage drama

Heroines who remain unsung

Under the Stars
Greenwich

RONALD Harwood enjoyed considerable success when he ventured backstage and below stairs in his *Dresser*. Perhaps, then, there is room for a similarly touching comedy about another of our theatre's menial classes, its understudies. But if so, Richard Crane has not written it. *His Under the Stars* comes across as not much more than an idea in search of a plot. It brings the admirable Connie Booth and the estimable Pam Ferris to Greenwich, only to present them with what are, under the circumstances, ironically inadequate roles. Faced with the task of giving first-hand life to the understudies Crane has created, they must sometimes have yearned for a serious acting challenge. Like understudy who only line is "Faith, I know not what to say".

The place is a dressing room in what Lez Brodwin's set, with its glimpses of bright lights and grey walls beyond, suggests is a West End theatre. Over the tannoy comes the sound of two supposedly great actresses, an unnamed Dame and a thesp known only as Tride, performing a play about Helen and Clytemnestra in a thoroughly garish style. This seems with lines like "ten years it is since I was torn from Troy, ten fearful, torturous years" and "I am the life that quickens the loins of boys". That such fustian nonsense has proved a pull on the Shaftesbury Avenue of 1993 is one of several things in the play not all that easy to believe.

Meanwhile, the understudies listen, chat, and launch into the occasional



Waiting in the wings: Connie Booth (left), Tyler Butterworth as the assistant director and Pam Ferris (right)

dry run. Ferris's Regina, a hearty, downright sort who prefers to be known as Reg, has spent the past 25 years following the Dame without once (or so she claims) having had to take her place onstage. For her, understudying is like knitting, a matter of mechanically following a pre-ordained pattern. But Booth's Stella frets at the notion that the job is simply "to give copycat performances and not to dry". She appears to be a Method actress with a sense of personal destiny, and talks a lot of creativity, theatrical magic and the big chance that must surely come her way.

Crane spends much, too much of the first act establishing these women's personalities and their attitudes to

their calling, in the process coming up with the odd amusing line but little that is original or arresting. Moreover the play's events, when they occur, seem pretty cursory. Tride's chest and heart trouble twice look like giving Stella the opportunity to play Helen. But each time she is disappointed before any tension builds. The first, Tride revives while her understudy is searching for the show; she needs it as she is to feel "in character". The second, the plays' repulsive director (Nicholas Gecks with all-black accessories, from hair to leather jacket to boots) is phoning a more marketable stand-in while poor Stella is auditioning for him.

Here, too, Crane opts for theatrical

stereotype. The "Known Actress", as Stella's rival is called, turns out to be an ambitious, insensitive bitch, who treats both her juniors as skivvies to be used, patronised, insulted, or all three at once. Penny Morrell, who plays her, swanks about the stage, trying to animate lines "you don't mind, do you, being under the stars, looking up, content to gaze?", and not quite doing so.

In the end, she gets a comeuppance that is supposed somewhat to compensate that Stella and Reg continue pluckily to endure. But it is hard either to gloat over her fate or to mourn theirs. The nation's understudies still await their bard.

PROMS

Short-changed Grieg

BBC SO/Lazarev
Albert Hall/BBC2

repeating the single stanza set by Grieg was a risk-taking climax.

The singer's poetic sensibility and grace of phrasing was finely matched in the orchestral playing of lightly tinted instrumental colour under Alexander Lazarev. Reports had suggested the orchestra's recently appointed principal guest conductor, from Moscow's Bolshoi Theatre, was a more extrovert

LITERATURE: Clive Davis reports on the increasing popularity, with both authors and readers, of the short story

In brief, nicer than a novel?

That master story-teller William Trevor has described it as "the art of the glimpse". If the novel is like an intricate Renaissance painting, he explained, the short story is an Impressionist painting: at its best it should be "an explosion of truth".

While obituaries are constantly being written for the modern novel, and the Best of Young British Novelists promotion was greeted with raptures all round, the short story seems to be in a robust condition. That, at least, is the underlying message of *Best Short Stories 1993* (published this week by Heinemann, £15.99), the latest in a series of annual collections that was launched in 1986.

This year's anthology—edited, as usual, by the literary agent Giles Gordon and the novelist and reviewer David Hughes—contains another animated cross-section of work by British and Commonwealth authors. Arranged alphabetically by author, it runs from Amis, M. to Weldon, F. Alice Munro is there, so is Bernard MacLaverty, Jane Gardam and Barry Unsworth.

'Is the long period of American dominance now ending?'

The tone ranges from sober realism to the bizarre. "Stalin, Stalin and Stalin", Jonathan Treitel's quirky, Kafkaesque fragment about the annual meetings of a society of Stalin impersonators in the pre-Khrushchev era. Martin Amis's offering, "Career Move", is a sly account of literary wheeler-dealing in a looking-glass world where poems are turned into multi-million dollar Hollywood films while the really serious writers struggle to make a crust by selling all-action screenplays to literary magazines.

Gordon and Hughes make their selection from about 600 stories each year. Most of their reading is done in one strenuous burst during the winter, when they grind their way through piles of obscure magazines and submissions from agents.

The one unbreakable rule is that stories must have been previously published or broadcast. Even a parish magazine will do, says Gordon. He recalls that one William Trevor story published in a previous anthology had been buried in the in-flight magazine of Singapore Airlines.

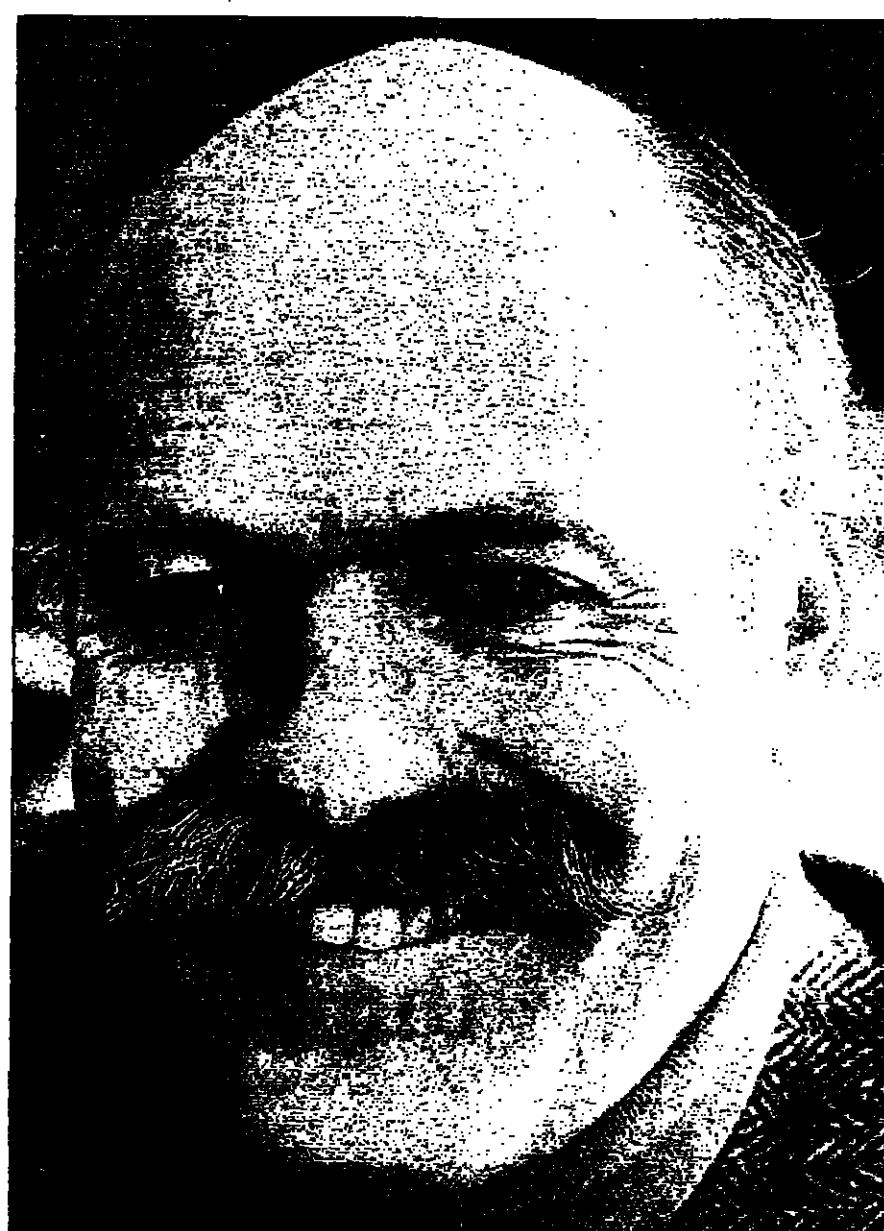
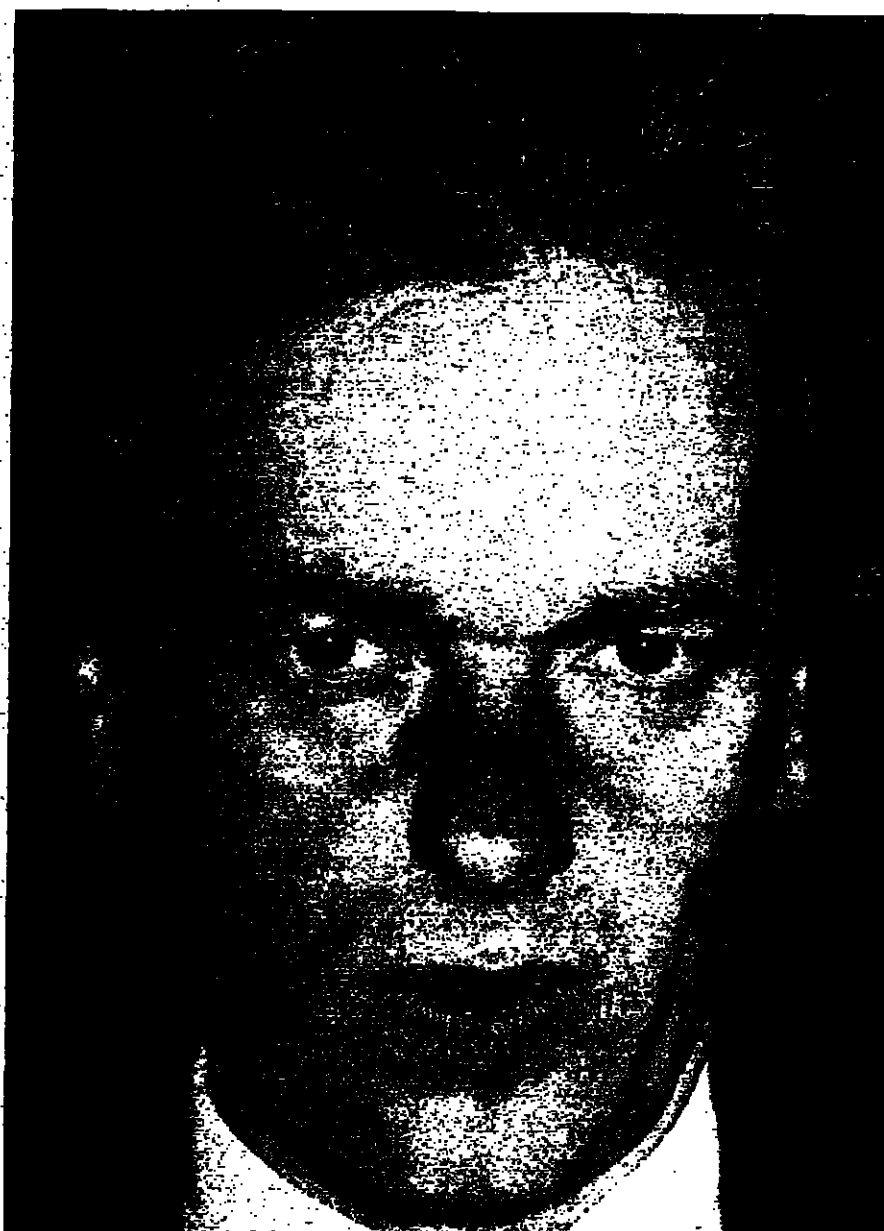
This year's crop includes several new names among the scattering of celebrities. The young Irish writer Colum McCann contributes his first published story, "Sisters", lifted from the *Student Literary Journal* of the University of Texas. But according to Gordon and Hughes's introduction, it is the older hands who are producing the most imaginative work.

"The young, particularly in the little magazines, are very often cautious, tentative and conventional, albeit nicely turned. There are too many dying falls (even in these pages), wit and surprise are at a premium."

Still, at least the "little" magazines—journals like *Ambit* and *London Magazine*—are still out there, providing a platform. A more disturbing development, it seems, is that many mainstream magazines, once regularly set aside space for short fiction, are either withdrawing from the field entirely or confining themselves to running extracts from forthcoming novels.

Gordon recalls that when he launched the anthology seven years ago he could be confident of finding quality material in the glossy magazines. No longer. Our newspapers—which seem to grow bigger and more bloated by the week—also stay away from short stories, except at Christmas.

One notable exception is *The European*, which runs a weekly story competition for previously unpublished work, in return for a prize of 1,000 euros (around £750). Staff receive hundreds of submissions each week, many of them, admittedly, of variable quality.



Kindred spirits? Martin Amis (left) and American Tobias Wolff write short stories, but their work reflects the differing approaches on opposite sides of the Atlantic

In the United States—supposedly the first post-literate society—they take these things much more seriously. Journals such as *Atlantic Monthly* and *Harper's Magazine* allot generous amounts of space to short—and sometimes not so short—fiction. Indeed, half a dozen of the tales in Gordon and Hughes's book first appeared in *The New Yorker*, where contributors can expect to receive a dollar a word for their efforts. ("That's why so many of their stories are far too long," Gordon acidly observes.)

America remains the pre-eminent voice in the modern short story. There seems an endless appetite for the quiet, unostentatious realism of the late Raymond Carver, or of Tobias Wolff.

Wolff himself has been at work on a new anthology of contemporary American fiction, due to be published by Picador in November. He estimates that stories appear in roughly a thousand literary journals—across America, from *TriQuarterly* and *Antaeus* down to the improbably titled *Oink* and *Bad Breath*.

How does Wolff account for his country's special relationship with the short story? He laughs: "I'm darned if I know. John Cheever once remarked that stories are particularly well suited to people whose experiences and whose insights tend to be momentary, who do not have sustained experience of a community. In other words, people who live in a nomadic country. That's what we are."

But could it be that the long

period of American dominance is coming to an end? Both Giles Gordon and Duncan Minshull, who oversees BBC Radio's story output, detect signs of fatigue. "I read a hell of a lot of American stories," says Minshull. "The best is the best, no doubt about it, but there is an awful lot in the middle that is repetitive."

"There is that fragmented style in the vein of Carver or John Cheever. And there's a fashion for stories about odd communities—like *Twin Peaks* in prose. When it started seeping through, I thought it was great, but now everyone is doing it."

Giles Gordon makes a similar criticism. "When our book is reviewed in the States alongside the big American anthologies, most of the critics find that the British writers are more varied. They always say that, and I don't think

they are just being polite. The Americans are all slavishly imitating Carver."

That opinion is, not surprisingly, slapped down by Tobias Wolff. "It's a very clichéd understanding of the American short story. He's read the wrong sort. Besides if you read the Best of Young British Novelists, you find a lot more uniformity, don't you? The voices may be different but there are the same basic assumptions."

As editor of short stories at BBC Radio, Minshull is increasingly recognised as a leading patron for writers. The BBC purchases some 300 stories a year, most of them original commissions. Minshull also helps promote the cause by selecting a yearly collection, *Telling Stories*.

A 33-year-old ex-literary agent, Minshull was appointed three and a half years ago and set about

bringing new flair to the programming, particularly on Radio 4. The long-running *Morning Story* was one of the principal casualties; readings are now broadcast—to a bigger audience—in the late afternoon, following the arts magazine *Kaleidoscope*.

"Before, it tended to be parochial and anecdotal," says Minshull. "At times it was almost a glorified *Thought for the Day*."

So if we are weary of bad new novels, how can the short story edge its way further into the limelight? Minshull thinks it can be done, pointing out how travel writing has enjoyed a new burst of popularity over the past decade and a half.

What we need, he suggests, is a major, high-profile award along the lines of the Booker Prize. Perhaps, is there anyone out there with a cheque to spare?

Distilled essence of motion

Chris Nash's photographs of dance alter the way the two media regard each other, Allen Robertson writes

The instant you see a Chris Nash photograph you know an artist is at work. His atmospheric evocations of contemporary dance have a haunting, even surrealistic sense of theatricality that lures you into a shimmering dream world hedged with mysteries.

Nash, 35, has made a reputation over the past decade as one of Britain's pre-eminent photographers, with his chief focus on contemporary dance. Not content with simply documenting a performance, Nash works closely with his subjects to create images that evoke an essence. In the process, both he and his work have become emblems for a new style of art.

"When you look at my pictures," he says, "you're more aware of being in front of an object than of looking through the camera's window at a snippet of real life. I don't want to trick people into thinking they're seeing the truth because, contrary to the old cliché, the camera always lies."

A touring exhibition of Nash's photographs, called "A Glance at the Toes", opens a six-week run at the Festival Hall today. Many of the pictures are handmade collages, painstakingly put together in the darkroom. The largest, which is six by four

feet, is assembled from individual photos only two by three inches big. So many bits go into making up the image that you can't help but feel the days and nights spent on its creation. These collages are one-off works of art, impossible to duplicate. "Sure," he says, "I could take photographs of the big collages, but that would defeat their purpose."

Recently, Nash has also started toying with the latest in computer technology. This is a lot more expensive than doing things by hand, but thanks to some lucrative contracts for album covers, posters and publicity stills for rock groups such as the new photographic technology becomes feasible.

The new Pet Shop Boys album, due next month, sports a Nash cover. "It shows an army of Pet Shop Boys descending from heaven down a huge long staircase. You could call it making a grand entrance. Most rock bands are only interested in how many drugs they can inject and how mean and moody they can look in their pictures, but the Pet Shop Boys are jolly nice

people who really want to look special."

The album cover was concocted via the magic of computer and the staircase is nothing but a toy-sized model. But working on a computer ever be as satisfying as messing about with chemicals in the darkroom? "For the moment it feels great. It's very luxurious to just sit in a big comfy chair and push buttons: no chemicals involved, no messy, dirty, old technology at all. That might lose its novelty value, but it will soon be the only way photography is done."

"The thing I'm slightly worried about is that good old-fashioned black and white prints, which are beautiful things in and of themselves, are no longer going to be made in the same ways they have been for the past hundred years. Soon, black and white photography will be only for enthusiasts, a specialised sort of fine art thing."

"And so, actually, now is the moment to be buying photographs by old masters or even the best of today's photographers. They are not going to be around in the next century, so they are a great investment."

Nash explains his preference by saying that the whole monochrome process is much more flexible than colour. "Taking a black and white picture is only the first stage in what can be a long creative process with lots of different stages. Colour is about getting it right before you shoot. You put everything into the actual shot because if it's not there when the shutter clicks, it never will be."



The Featherstonehaughs in *Immaculate Conception*: A haunting, even surrealistic sense of theatricality

"I'd quite like to photograph, well, Madonna, actually," Nash says, a sheepish grin creeping over his face. "Maybe for a lot of cheap and tacky reasons, but I do like the idea that photography can get me places."

● A Glance at the Toes is in the Level 5 Foyer Gallery at the South Bank Centre, London, SE1 until September 5. Open daily.

DANCE: Nadine Meisner

Beauty's swings and roundabouts

Although the most exquisite and profound of the Tchaikovsky ballets, *The Sleeping Beauty* does not clock up as many performances as other classics. At present, though, it is receiving some redress. Hot on the heels of the Kirov's version at the Coliseum comes Birmingham Royal Ballet's, to open the company's season at the Royal Opera House.

The more fanatical of British balletomanes see themselves as the only true curators of *The Sleeping Beauty*, ever since Nikolai Sergeyev brought it from Leningrad to this country in 1939. After pouncing on the excursions of the Kirov's production, they can now view BRB's with smug relief. True, this is more complete. It includes the hunting scene's dances and game of blind man's buff, while the Kirov's does not; it retains faith in an elaborate mime language, confident that the audience can understand.

But I did miss on BRB's first night the lavish Russian goody-dy a boringly goody goody Lilac Fairy. Monica Zamora made a beautiful Fairy of Beauty; David Dawson's neat feet and bouncy jump added sparkle to an otherwise unglamorous pas de quatre. The rich production looks especially handsome on the Covent Garden stage.

Marion Tait gave a sharply effective Carabosse of sombre, tainted beauty with huge indignant eyes; Marilyn Kennedy a boringly goody goody Lilac Fairy. Monica Zamora made a beautiful Fairy of Beauty; David Dawson's neat feet and bouncy jump added sparkle to an otherwise unglamorous pas de quatre. The rich production looks especially handsome on the Covent Garden stage.

What we need, he suggests, is a major, high-profile award along the lines of the Booker Prize. Perhaps, is there anyone out there with a cheque to spare?

OPERA: Rodney Milnes on 18th-century pleasures at Sweden's Drottningholm Festival

Time-capsule that is past compare

How refreshing, after the modish frumpiness of Aix-en-Provence, to visit a country where opera is still taken seriously. Last that sound too austere. I hasten to add that I know of no greater pleasure—or privilege—than attending performances at Drottningholm, that time-capsule of a theatre virtually untouched since the 18th century, its auditorium and stage machinery miraculously intact. But it is serious pleasure, which is quite the best kind.

It would be foolish to talk of a new era at Drottningholm, since newness by definition hardly enters into it, but after a decade under the leadership of Arnold Östman the artistic reins have been handed over to Elisabeth Söderström, one of the best-loved figures in the operatic world. She would doubtless be the first to say that it is mere coincidence that the two performances last

week were quite the best I have heard there, which is saying a lot. But there is new musical and directorial blood in evidence, and a fresh approach to the repertoire—the future looks very fair indeed.

Mozart and Gluck have long been Drottningholm's mainstays, but Söderström chose to explore some of the footills surrounding these twin peaks, and substantial footills she made of them. *Zémire et Azor*, Grétry's *Beauty and the Beast* opera, has strong Drottningholm connections. It was among the first works staged in 1778 when Gustav III took charge of the theatre: the magic mirror scene, when *Zémire* is allowed

by its fresh tunefulness, you listen agog for what he is going to do next. The mixture of broad humour and late 18th-century sentiment is extremely hard to stage today, but John Cox caught it to perfection in a production where sensibility and naivety found perfect balance. The cast included Klas Hedlund, hilarious as the servant Ali, Carl Johan Falkman extremely touching as *Zémire*'s father, and as the heroine herself the sparky Anna Eklund. The magic mirror effect, perfectly timed, was as affecting today as it must have been in 1778. Here was living proof that an "authentic" staging can work powerfully in 1993.

The Grétry was nicely conducted by Louis Langrée; if Martin y Soler's *Una cosa rara* was made to sound like a masterpiece, this was due to the passionate advocacy of Nicholas McGegan, Drottningholm's new principal conductor. The orchestra, efficient in the Grétry, played like angels for him. *Cosa rara*, whose success overshadowed that of *Figaro* in the Vienna of 1786, is famous for being quoted by Mozart in the supper scene of *Don Giovanni*.

It should also be famous for its freshness of invention, energy and the short-breathed tunes that doubtless appealed to original audiences. Da Pon-

te's libretto is several notches below *Figaro*—the plot runs out long before the music does—and attests to the part Mozart must have played in shaping the texts he set.

The opera tells of the Queen of Spain sorting out the amorous affairs of assorted merry peasants, in which she is not helped by her lecherous son and her even more lecherous chamberlain (both tenors, natch). The "rare thing" of the title is female constancy: Mozart might almost have written *Cost as a counterblast*.

I thought Francisco Negrin's production over-busy and his treatment of the peasants as half-wits seemed strangely un-PC. But nothing could detract from McGegan's bubbling enthusiasm, or the stylish singing of Elisabeth Berg as the constant heroine and Olle Persson as the least half-witted of the peasants. Pure, and serious, pleasure.

Anton Rodgers
Gwen Taylor
Alan Ayckbourn's
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time of my life

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| Age Group | Percentage of Respondents |
|-----------|---------------------------|
| 18-29 | 65% |
| 30-49 | 75% |
| 50-69 | 80% |
| 70+ | 85% |

Morris men dancing to a new refrain

Michael Henderson
talks to Glamorgan's
captain and finds that
ambition is alive and
well in the Principality

Swansea, someone once noted with one of those generalisations that dog up entire tunnels of enquiry, is the death of ambition. It was meant kindly, the suggestion being that once you go there, you don't want to leave. Nobody could accuse Glamorgan's cricketers of lacking ambition these days, only opportunity.

Is it more palatable to be patronised when you rise above others' expectations (these Taffies are such jolly good chaps, let's throw 'em a few crumbs) or to be ignored altogether? The gentle laughter of recognition creases Hugh Morris's features. "Well, it's certainly nice to know our efforts to professionalise the club have been recognised."

They have achieved that, all right. Should they beat Worcestershire today, Glamorgan will be one match from Lords, where they have appeared only once in a one-day final. They are top of the Sunday league, and, best of all, lie second in the championship after that heart-stopping victory at Worcester on Monday.

Little wonder that Morris, who was restored to the captaincy this season after an unhappy four-year interlude in the Eighties, detects "a buzz in the Principality about cricket". Not since the championship year of 1969 has Welsh cricket been in such fettle. Beyond doubt this is the most talented Glamorgan side since they finished second the following year. Steve Watkins is the country's leading wicket-taker, with 65 at 20 apiece. Adrian Dale has made more runs than any other batsman. Colin Meeson beat the club's record at Worcester, holding nine catches in the match.

The captain has not been shirking, either. Four championship centuries, allied to his vigorous leadership of a young and conspicuously happy side, have advanced his own case for a Test recall. So far, not a peep. Yet, despite options ranging from disbelief to outrage over



Prince of Wales: Morris, under whose captaincy Glamorgan are enjoying their best year since they won the county championship in 1969

Chepstow, the players themselves are not bitter.

Unity is the key. "Having a small group of players helps, and we have all grown up together," Morris said. "A lot has been made of being ignored. It was the same in the days of Don Shepherd and Alan Jones. But three of us have played for England in recent years and we are all keen to get our places back."

The third man is Matthew Maynard, who would be near the top of anybody's "must see" list. Now that Graham Gooch has resigned, Maynard and Morris may find less resistance when their names are mentioned.

Morris prefers to push the claims of others. "Maynard has shown more responsibility this year," he said. "He is one of the most natural batsmen in the country, and

now he has acquired great maturity. Given an extended run in the side he could still make a fine Test career for himself."

Watkin, a forgotten man since playing twice against West Indies in 1991, wins his captain's vote as the most reliable new-ball bowler in England — or Wales, for that matter. "Of course I will push my own men, but the facts speak for themselves. Watkin has bowled on some flat pitches and is never injured. I can't think of another bowler I would prefer to have on my side."

"I thought at the beginning of the season that we had a squad to rival any in one-day cricket and I have been pleasantly surprised by our championship form. Our bowlers are willing and able, but we lack the variety that Middlesex

have with Tufnell and Emburey. We have not got a left-arm spinner or an out-and-out strike bowler."

And that, though he will not say it, may prove crucial. On the final day of that extraordinary match at Cardiff earlier this month, Tufnell's eight wickets showed victories can be achieved from improbable positions. Defeat there was a real blow, Morris admitted, however spiritedly Glamorgan have bounced back.

Character can be assessed in two ways, body and mind. At Old Trafford Stephen James cracked his right thumb early in his innings yet stayed on to make an undefeated century. Then, at Worcester, Dale survived the loss of Morris, Maynard and Viv Richards to carry Glamorgan to the

threshold of a famous win. Wherever you look players are finding performances to match their ability, of the sort which can only come when the dressing-room is settled. No sooner was 18-year-old Darren Thomas restored to the side after completing his A levels than he took nine wickets at New Road.

In time he may become the fast bowler Glamorgan need. "We saw something in the nets last year and decided to play him," Morris said. "He gets wide of the crease and can swing the ball but so far he has played very little cricket — one second team game and seven championship matches."

If Thomas needs advice on how best to develop his talent, he can always consult his captain. Morris now knows he was "far too young" to

inherit the job at 22 and has returned to it wiser.

"I am an ambitious man and badly wanted to do the job but it can be difficult with previous captains in the dressing-room," he said. "You get plenty of advice, but soon learn that not all of it is helpful. When I gave it up I matured a lot as a batsman and I am now better prepared."

"If it was ever the case that Glamorgan were regarded as a soft touch, and I suspect it might have been, we have dispelled that view. This year we have not given a game away and we never give up hope at any stage."

Captaincy clearly suits him the second time around. "I would not change my job for anything." In case people at the other end of the M4 are interested, his number is in the book.

Cornwall overcome sickness of skip

CORNWALL, forced to field a substitute, Margaret Warren, when Gloria Thomas, their England skip, contracted a bout of 24-hour flu, won the national double rink bowls championship at Royal Leamington Spa yesterday (David Rhys Jones writes). Cornwall beat Middlesex 43-36 in the semi-finals and Lincolnshire 39-32 in the final.

Warren's rink played its part to the full in both victories, taming a Middlesex four skipped by Mavis Steele in the morning, and beating a tricky rink as well as Kath Scatliffe's quartet after lunch. In a see-saw semi-final, Cornwall took an early lead but slipped eight shots in arrears by the fifteenth end, when big counts on both rinks enabled them to regain the initiative.

Lincolnshire, who had held off a late Bedfordshire surge to earn a place in the final, were three shots ahead after six ends, but were ground down by their opponents' consistency as Cornwall regained the title they first won in 1989.

Pipe receives £200 fine

RACING: Martin Pipe yesterday received a mandatory £200 fine as the Jockey Club formally closed the Her Honour case. Pipe, appearing at a disciplinary committee enquiry, was found in breach of the rule relating to the presence of prohibited substances. Her Honour's urine tested positive for a metabolite of the sedative Acepromazine (ACP) after she finished a well-beaten sixth in a novice hurdle at Kempton in January. The Devon and Cornwall police, called in by the Jockey Club to investigate the case, came up with no firm findings and the committee concluded it was "unable to establish the source of the substance".

White joins Havant

RUGBY UNION: Derek White, the former British Isles and Scotland forward, has signed for Havant, the Courage Clubs Championship third division side. White, 35, bowed out of international rugby after the World Cup in 1992 but continued to play first-class rugby with London Scottish before retiring last season. He has now decided to play on and has been training with the Hampshire club. White, who won 41 Scotland caps, works as an investment consultant and lives in Petersfield, a short drive from Havant's Hooks Lane ground.

Kambli in the runs

CRICKET: Vinod Kambli followed consecutive Test double-centuries, against England and Zimbabwe, with a century when he hit an unbeaten 119 for India on the first day of the second Test match against Sri Lanka in Colombo yesterday. The left-handed Kambli steered India towards 300 for four at the close, reaching his century off 169 balls with a six and ten fours. Navjot Sidhu helped Kambli in a second-wicket stand of 126, scoring 82 off 138 balls with a six and 12 fours, before he was dismissed by a brilliant one-handed catch by Hashan Tillakaratne at short leg off Jayawanda Warnawera.

Bad day for Britain

TENNIS: Clare Wood, of Great Britain, the No 13 seed, was knocked out of the United States women's hard-court tournament in Stratton Mountain, Vermont, yesterday. Wood lost 6-3, 6-1 to an unseeded American, Ann Henricksson, 33, who reached the fourth round at Wimbledon in 1990, in just 80 minutes. It was a bad day all round for Britain with Valda Lake, Monique Javer and Julie Salmon also beaten in their first-round matches. The No 1 seed, Conchita Martínez, of Spain, and the No 2 seed, Mary Joe Fernandez, of the United States, had first-round byes.

Drug test confession

ATHLETICS: Andreas Berger, right, has confessed publicly that he and his team-mates in the Austrian relay side, Franz Ratzenberger, Thomas Renner and Gernot Kellermayr, had tested positive for banned drugs in an IAAF random test. Berger, 32, the European 60 metres indoor champion in 1989, told Austrian television: "Ratzenberger and I were injured. We faced a choice: stop or [drugs]."



New design approved

YACHTING: The Royal Ocean Racing Club has taken the initiative to promote a new 36-foot one-design production yacht to replace the highly expensive one-ton Cup class in future international offshore events such as the Champagne Mumm Admiral's Cup. The Bruce Farr-designed IMS grand prix racer will be built in the United States, New Zealand, France and Argentina to ensure a worldwide spread of the class. Tooling for the yachts is to be produced by Carroll Marine, the US builder, and production will be tightly controlled to ensure the building of identical yachts.

Youngsters play away

FOOTBALL: Swedish police believe 14 members of a touring Nigerian youth team have gone into hiding in Gothenburg after failing to arrive for the flight home yesterday. The Ughworo Bombers players, who were in Gothenburg to take part in a tournament, have been missing since Friday night when they did not return to their accommodation after visiting a discotheque. Police said three other players, aged 15 and 16, had requested permission to stay in Sweden but were persuaded to return to Nigeria, and flew home with the coach of the club yesterday.

Answers from page 40

DIABATERIAL

(b) Pertaining to the crossing of a frontier or river, from the Greek *diabateria* (i.e. *hieru*) offerings before crossing the border, or a river, *diabatos* to be crossed, *diabatinu* to go through or cross. There, according to the constant practice of the Greeks, the diabaterial or border-passing sacrifice was performed.

EMBRAY

(a) To plunge (in a liquid), to bathe, hence, to drench or wet, to immerse or soak, obsolete, poetical, from prefix *en-* + the verb *spenser*, *Farie* *Queene*: "Sad repentance used to embay/ His bodie in salt water."

PUBBLE

(a) Fat, well-filled, plump, now only dialect, of obscure origin, from *East Frisian* *pumpel*, *LG* *pumpel* a fat burly person; *Drant*, *Horace* *Satires* ii, 124: "If they bothe be dressed/ The Peacock, and the pubble hen, the Peacock tasteth best."

ROSEOLA

(b) A rash of rosy spots or eruptions occurring in measles and similar diseases, also false or German measles, from the Latin *roseola* or rose rash, the diminutive suffix *-ola*: "The eruptive fever called roseola or rose rash, sometimes called false measles, is an affection of very little importance."

SOLUTION TO WINNING CHESS MOVE

1 Bx4 leaves Black defenceless against the threat of 2 Bc7 e.g. 1... Kc8 2 Nc7.

England plans under-15 event

ENGLAND is to host the inaugural Bunbury English Schools' Cricket Association (Esca) junior World Cup for under-15s, with ten countries competing over two weeks in August of 1996.

"On the day we lost the Ashes, I think it's highly appropriate to announce a positive measure to encourage our cricketing youth," David English, the saviour seven years ago of the Esca festival, said. The annual festival takes place this week in Lincolnshire.

English's target is to raise £250,000 sponsorship for the 1996 event. The Test and County Cricket Board has given its blessing and Lord's will stage the final, with the semi-finals taking place at either Headingley, Trent Bridge or Edgbaston.

Two groups of 35-over round-robin matches will be played at club grounds in and around London. The countries taking part are England, Australia, West Indies, New Zealand, South Africa, India, Pakistan, Zimbabwe, Sri Lanka and Holland.

The idea of a junior World Cup competition follows Esca's invitation to South Africa which resulted in the first schoolboy international played between England and South Africa last summer and a return tour in the winter.

"This proved the value of extending competitive schoolboy cricket beyond our shores, both in technique and nurturing aspiring talent, so a World Cup was seen as a natural progression in development of the worldwide game," English said.

"At this particular time, it might just go to prove that at youth level the game in England is flourishing and very much alive."

Phil Simmons will replace Winston Benjamin as Leicestershire's overseas player, on a two-year contract from next season.

Surrey face tense uphill struggle

By Ivo Tennant

TAUNTON (Surrey won toss): Surrey, with nine wickets in hand, are 204 runs behind Somerset.

A DECADE and more ago, when Somerset, Ian Botham, Viv Richards and all, were winning not merely NatWest quarter-finals but the trophy as well, a total of 230 for nine would have been seen by their opponents as small beer. Yet given the sluggish nature of the pitch and outfield they had to contend with here, it could just be enough.

Nothing was more assured than that Stewart would put Somerset in when winning the toss. When play began at 2.30, Martin Bicknell gained sufficient momentum to take four wickets at little cost. There was some markedly tidy off spin too, from Botham and useful change bowling by Lynch and Benjamin. Nobody batted for long; indeed, the most successful batsmen were not those who looked to settle at the crease but Mushtaq and, to an extent, van Troost, who slogged with cheerful abandon.

Before they came in, nothing had been more cultured than the straight-driven four by Botham, who took 11 runs, it did not last. There were three other fours in his innings, one of them driven as

late as could be off Benjamin, before he was brilliantly taken one-handed by Botham off Butcher in the gully.

Harden and Tavaré got themselves in and then out. Burns drove tamely to mid-off and Rose was taken at long-off. Thereupon, Mushtaq drove a huge six over long-on off Butcher and, at the end, van Troost struck 17 off just five balls.

In their brief reply, Surrey lost Stewart through an injudicious attempted square cut.

| SOMERSET | |
|---|-----|
| A N Hayward b Weger | 3 |
| M N Latham c Belling b Butcher | 34 |
| N A Fordham c Weger b Bicknell | 17 |
| R J Henderson c Lynch b M P Bicknell | 33 |
| "C" Turner b van Troost | 29 |
| IN D Burns c Lynch b M P Bicknell | 29 |
| C D Rose c M P Bicknell b Butcher | 18 |
| Mushtaq Ahmed c Butcher | 3 |
| R M P Bicknell | 35 |
| A P van Troost not out | 17 |
| Scots 10.12, 10.10, 10.4 | 28 |
| Total (8 wickets, 80 overs) | 230 |
| FALL OF WICKETS: 1-18, 2-40, 3-63, 4-128, 5-194, 6-194, 7-174, 8-198, 9-221 | |
| BOWLING: Weger 12-1-44; M P Bicknell 12-2-35; van Troost 7-0-38-0; Butcher 12-3-57; 2-122-1; Lynch 5-1-22-1 | |
| SURREY | |
| D J Bicknell not out | 15 |
| "A" J Stewart c Burns b Gidcott | 15 |
| G P Thorpe not out | 3 |
| Eds 10.12, 10.10, 10.4 | 28 |
| Total (11 wickets) | 28 |
| M A Lynch, A D Brown, D M Ward, M A Butcher, M P Bicknell, Weger, Youngs, J Belling and J E Benjamin to bat | |
| FALL OF WICKETS: 1-23, 2-40 | |
| Umpires: J D Bond and J H Hampshire | |

SWANSEA (Worcestershire won toss): Worcestershire, with eight wickets in hand, need 240 runs from 37 overs to beat Glamorgan.

TO BEAT Glamorgan today, Worcestershire must bat far better than they bowled yesterday. When rain halted play at 2.15pm, Tim Richards won a good test only for the bowlers to waste the advantage. Morris and James set the purposeful tone of the Glamorgan innings and, after a wobble or two along the way, Maynard extended the Worcestershire target with 84 from 66 balls.

Maynard averages 73 this season in limited overs cricket and in Wales at least his batting fires the public imagination as much as that of Richards. There was a brief glimpse of the pair as they added 29 in five overs before Radford's good length ball hit Richards's off stump.

Instead of lengthening their stride, Glamorgan were obliged to retrench when Radford completed his spell by having Cottrell caught behind and pinning Croft before first ball. In the next over another leg-before decision, for Illingworth against Meeson, who was sweeping, meant that four wickets had gone down for 29 runs.

By MICHAEL HENDERSON

Emphatically, Maynard pushed the score to 279 for 9. Reprised by D'Oliveira at mid-wicket on ten, when the fielder contrived to make the chance more difficult than it appeared, he exacted a heavy price.

In the end exhaustion claimed his wicket. Having scampered to and fro in the final overs, he failed to beat Illingworth's return as he tried to complete a second run from the last but one ball of the innings.

A capacity crowd of 6,500 cheered him all the way back to the pavilion.

Maynard had improvised intelligently towards the end of the innings. At the start it was the brisk running between the wickets of the openers, who alternated runs more swiftly than the fielders anticipated, which gave Glamorgan such optimism.

When Morris was out in the eighteenth over, edging a drive at Lampitt, he had helped put 60 on the board. James, playing with a painkiller for his broken right thumb, went to a measured half century.

Dale had made 41 off a stand worth 84 when Newport held a return catch. The bowler later had James caught at short extra cover by Leatherdale, the best fielder on show.

Glamorgan's purpose extended to their bowling as they rushed through 20 overs in just over the hour to ensure that even if the rain returns today a game has taken place. Lefevre bowled Curtis with the last ball of his eighth over and Weston, having picked up Dale for the only six of the day over mid-wicket, surrendered another next ball when he gave the bowler an easy return catch.

| GLAMORGAN | |
|--|-----|
| S P James c Leatherdale b Newport | 58 |
| "H" Morris c Rhodes b Lampitt | 29 |
| A Dale c and b Newport | 41 |
| M P Maynard not out | 25 |
| P A Gidcott b Radford | 12 |
| I V A Richards b Radford | 12 |
| C P Jackson b Radford | 11 |
| R D B Olliver b Radford | 0 |
| C P Jackson b Radford | 0 |
| S I Walton c Rhodes b Lampitt | 0 |
| Eds 10.1, 10.7, 10.6, 10.3 | 16 |
| Total (8 wickets, 80 overs) | 279 |
| FALL OF WICKETS: 1-58, 2-150, 3-175, 4-204, 5-228, 6-328, 7-323, 8-378, 9-379 | |
| BOWLING: Newport 12-1-41-2; Taylor 10-0-40-0; Radford 12-1-55-3; Lampitt 12-2-56-0; Illingworth 11-1-64-1; Hick 3-0-16-0 | |

| WORCESTERSHIRE | |
|---|----|
| T S Curtis b Lefevre | 10 |
| W P C Weston c and b Dale | 25 |
| G A Hall not out | 3 |
| D B Olliver not out | 0 |
| Eds 10.12, 10.10, 10.4 | 28 |
| Total (2 wickets, 23 overs) | 40 |
| D A Lefevre, S I Walton, M V Radford, T S J Rhodes, P J Newport, R K Langford and C M Tolley to bat | |
| FALL OF WICKETS: 1-21, 2-40 | |
| Umpires: R Julian and B J Meyer | |

Ratcliffe century puts Warwickshire in control

By JACK BAYLEY

THE odds favour Warwickshire, but their NatWest Trophy quarter-final against Yorkshire at Headingley still has some way to go. The weather has seen to that, and so, in a way, have Jason Ratcliffe and Dermot Reeve.

With a partnership worth 136 from 33 overs, they rescued Warwickshire from a disastrous start. Ratcliffe making a fine century, and laid the foundation for the more than useful total of 245. More than useful, that is, when you consider the strength of Warwickshire's attack, led by Donald and Small, and the not wholly trustworthy nature of the pitch.

Hampered, too, by a fading

light, Yorkshire's batsmen were made to fight for their lives, and are far from being on terms. The first 14 overs of their innings brought the loss of three good wickets, including Moxon and Richardson, and nobody has batted with Ratcliffe's composure.

This was Ratcliffe's first century in the NatWest competition. He has been kept on the sidelines for most limited-over matches of a lesser duration, his style of play having been best suited to championship cricket. On this evidence, he should be asked rather more often to play on Sundays.

He was at ease from the word go. That was all the more surprising and praiseworthy when the manner of

disposal of his predecessor is taken into account. The first ball delivered by Gough from the pavilion end took off from just short of a length and rose steeply enough to hit Moxley's bat as he lifted it on high while jumping in the air to avoid the ball. Moxley was caught behind off what, according to the laws, was a no-ball.

More importantly, the eccentric nature of the bounce seemed to have confirmed Warwickshire's worst fears. A mosaic of cracks, about a yard distant from each other, were not a pretty sight. Warwickshire, the only county to bat from choice yesterday, doubtless thought batting would be less easy as the game went on. But Ratcliffe's innings was no guide. Making light of the

variable bounce, he made himself at home while the wickets of Ostler and Paul Smith followed that of Miles with only 31 on the board, both owing to White's brilliance in the field.

Joined by Reeve, whose cocky presence jolled him along, Ratcliffe played the ideal innings. His first 50 came from 94 balls with four fours; his second half-century from 41 balls, while his tally of boundaries was now two sixes — both vast blows on the leg side — and eight fours.

Reeve had, meanwhile, reached 50 and Warwickshire had long since been assured of a healthy total at which to bowl. Yorkshire stuck well to their task, though, only Two making much headway.

| WARWICKSHIRE | |
|---|-----|
| A J Miles c Bishley b Gough | 2 |
| J D Ratcliffe b White | 105 |
| D P Ostler c White b Harley | 2 |
| P A Smith not out | 0 |
| "O" A Reeves c Maltby b Robinson | 50 |
| R G Tresco b Maltby | 38 |
| I L Fawcett b White | 10 |
| N M K Smith not out | 12 |
| "P" P Maltby | 2 |
| G C Small b Gough | 2 |
| A A Donald b Gough | 0 |
| Eds 10.5, 10.2, 10.12 | 245 |
| Total (18.4 overs) | 245 |
| FALL OF WICKETS: 1-5, 2-14, 3-31, 4-187, 5-182, 6-204, 7-238, 8-240, 9-245 | |
| BOWLING: Harley 12-0-64-3; Gough 11-4-33-2; Robinson 12-3-35-1; Bishley 10-0-50-0; White 12-1-41-2; Grayson 2-0-4-0 | |

| YORKSHIRE | |
|-----------------------------------|----|
| "M" D Moxon c Ratcliffe b Small | 7 |
| A P Grayson b Donald | 3 |
| R B Richardson c Harvey b Reeves | 8 |
| D Bess not out | 11 |
| A Maltby not out | 6 |
| Eds 10.12, 10.10, 10.4 | 28 |
| Total (3 wickets, 22 overs) | 46 |
| FALL OF WICKETS: 1-8, 2-23, 3-31 | |
| Umpires: J W Holder and R A White | |

BBC1

6.00 Business Breakfast (11225)
7.00 BBC Breakfast News (16162022)
9.05 Graveland High. Cartoon series (1) (1066225) 9.25
Ipsa Facto. Fifteen-year-old Hannah Fitzgerald
investigates the origins of time (1) (1070348)
10.00 News (1070348) 10.05 Newsday. For infants (1) (1)
(1070348) 10.25 Get Your Own Back. Game show
hosted by Dave Benson Phillips (1) (1) (1070348)
10.50 T.M.T. Japan. And Peters watches the
wedding of Crown Prince Naruhito (1) (1070348)
11.00 News (1070348) 11.05 Newsday. For infants (1) (1)
(1070348) 11.50 Animal Heroes. Cartoon
series based on actual acts of animal bravery
(1070348)
12.00 News (1070348) 12.05 Newsday. For infants (1) (1)
(1070348) 12.55 Regional News and weather (1070348)
1.00 One O'Clock News with John Tusa. (1070348)
Regional news and weather (1070348)
1.30 Neighbours. (1070348) 1.50 Going
For Gold. The loquacious Henry Kelly presents the
general knowledge quiz with European contestants
(1) (1070348)
2.15 Glorious Goodwood. Julian Wilson introduces live
coverage of the 2.30, 3.10 and, on BBC2, 3.45 and
4.15 races (1070348)
3.30 Bazaar. Creative magazine series presented by
Nancy Hughes (1070348)
4.00 Cartoon. *Dance of the Vase* (1) (1070348) 4.10
The Legend of Prince Valiant (1). (1070348)
(1070348) 4.35 The Really Wild Roadshow.
Wildlife series from the Welsh Mountain Zoo (1).
(1070348)
5.00 News (1070348) 5.10 Byker Grove.
Children's drama series set in a northeast youth
centre (1) (1070348) (1070348)
5.35 Neighbours. (1070348) (1070348)
6.00 Six O'Clock News with Andrew Harvey and Jennie
Santini. (1070348) (1070348)
6.30 Regional News. Magazines (51). Northern
Ireland: Neighbours
7.00 Every Second Counts. Best-of-the-week show
hosted by Paul Daniels (1070348)
7.30 Do Martin's Casebook. (1070348) (1070348)
8.00 Police. Drama series about the rescue
squad of the Australian police. (1070348) (1070348)
8.50 Clarkson's Star Cars. Jeremy Clarkson searches
the television archives for four-wheeled stars (1)
(1070348)
9.00 Nine O'Clock News with Martyn Lewis. (1070348)
Regional news and weather (1070348)
9.30 Gained Control. Comedy sketch with more comic
musings on life (1). (1070348) (1070348)

BBC2

6.45 Open University (1070348)
8.00 Breakfast News (1070348)
8.15 Westminster (1070348)
9.00 Cricket: NatWest Trophy. Highlights from one of
yesterday's final-finals (1) (1070348)
10.00 Film: *Blind Adventure* (1933). b/w starring Robert
Armstrong. An American in London becomes mixed
up in blackmail and a kidnapping. Directed by
Ernest B. Schoedsack (1070348)
11.00 Film: *Government Girl* (1943). b/w starring Olivia
de Havilland and Sonny Tufts. Comedy about a
secretary in a munitions factory who falls for her
new-broom boss. Dudley Nichols directs (1070348)
12.30 The Great British Bake Off. The first of an eight-part
series (1) (1070348)
1.20 Forget-Me-Not Farm. Puppet series (1) (1070348)
1.35 Wildlife Safari to the Argentine. Part one — the
flora and fauna of the high Andes (1) (1070348)
2.00 News (1070348) 2.05 Newsday. For infants (1) (1)
(1070348) 2.35 Country File
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3.00 News (1070348) 3.05 Newsday. For infants (1) (1)
(1070348) 3.35 Country File
presented by John Craven (1) (1070348)
3.45 and 4.15 News. (1070348)
4.35 Film: *Road Show* (1941). b/w starring Adolphe
Mengu and Carole Landis. Comedy about a
playboy who escapes from an asylum to which he
has been committed by his scheming fiancée and
joins a carnival. Directed by Hal Roach (1070348)
6.00 Star Trek. Vintage science fiction adventures (1)
(1070348)
6.50 Newsday. For infants (1) (1) (1070348)
7.40 Golf and All Its Glory. The third of six programmes
on the history of golf, written and narrated by Bruce
Orridge. (1070348)
8.30 On the Line: Fit to Drop (1). See Choice (1070348)

CHOICE

The Wednesday Play: *The Gorge*
BBC2, 9.00pm
The valuable archive series resurrects a funny and
sharp-edged Peter Nichols script from 1968 about a
Bristol family's picnic at Cheddar Gorge. A hotly
punctilious father, is supplemented with an account of
less respectable episodes, as when 16-year-old Michael
goes missing in the heather with another family's
lunatic daughter. *The Gorge* is a study in sexual
and social embarrassment. It has a sensitive and
sometimes lacking in pace but full of acute observation
of the tensions within a repressed middle-class culture.
In a near-perfect cast Neil Wilson and Constance
Chapman play the parents, with Billy Hannon as
Michael and Elna Pearl as the girl.

TV LONDON

6.00 GMTV (1070348)
9.25 The Edge. Teenage magazine series (1)
(1070348) 9.55 London Today (1070348)
10.00 Ellego. Disney western adventures of a
Mexican lawman (1070348) 10.55 ITN News
headlines (1070348)
11.00 James Bond Jr. Cartoon (1070348) 11.25 Win,
Lose or Draw. A show hosted by Danny Baker
(1070348) 11.55 London Today (1070348)
12.00 Cartoon with Donald Duck (1) (1070348) 12.10
Allsorts (1) (1070348)
12.30 ITN Lunchtime News with Nicholas Owen and
Carol Barnes. (1070348) 1.05
London Today (1070348) 1.30
Home and Away. Australian family drama.
(1070348) 1.45 A Country Practice.
Medical drama set in the Australian outback (1)
(1070348)
2.15 One to 5 Million. Caroline Quentin helps single
mother Vanessa move to a new flat in Wiltshire (1)
(1070348) 2.45 Take the High Road. Highlands-
based soap (1070348)
3.10 ITN News headlines (1070348) 3.15 London
Today (1070348) 3.20 The
Young Doctors. Drama series set in an Australian
city hospital (1070348)
3.50 Cartoon featuring Twenty Pie (1) (1070348) 3.55
Scooby Doo (1) (1070348) 4.00 How 2. Fun and
facts show (1) (1070348) 4.40 Spatz. Episode one
of a six-part children's comedy drama. With a guest
appearance by Richard O'Connell (1070348)
5.10 Home and Away (1). (1070348) (1070348)
5.40 Early Evening News with Dermot Murnaghan.
(1070348) (1070348)
6.00 London Tonight (1070348) and weather (1070348)
7.00 Fantastic Fantaz. Jonathan Ross presents more
strange-but-true stories. With Fiona Armstrong and
Will Lunn (1) (1070348)
7.30 Coronation Street. (1070348) (1070348)

CHANNEL 4

6.30 Heathcliff. Cal cartoon series (1070348) 6.45
Ovide. Animated (1070348)
7.00 The Big Breakfast presented by Chris Evans and
Gaby Roslin (1070348)
9.00 Saved by the Bell. American high school comedy
drama series (1070348)
9.30 Star Street. Animated adventures based on the
signs of the zodiac (1) (1070348) 9.55
Hammerman. Cartoon adventures (1) (1070348)
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10.55 The Adventures of Tintin. Part one of *King
Otto's* (1070348) 11.20 The
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12.00 High 5. Sporting achievements (1) (1070348) 12.30
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question mark (1070348)
4.00 Our Backyard. Getting on the Map. The first of a
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4.30 Countdown. Richard Whiteley presents the words
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headlines (1070348)
11.00 James Bond Jr. Cartoon (1070348) 11.25 Win,
Lose or Draw. A show hosted by Danny Baker
(1070348) 11.55 London Today (1070348)
12.00 Cartoon with Donald Duck (1) (1070348) 12.10
Allsorts (1) (1070348)
12.30 ITN Lunchtime News with Nicholas Owen and
Carol Barnes. (1070348) 1.05
London Today (1070348) 1.30
Home and Away. Australian family drama.
(1070348) 1.45 A Country Practice.
Medical drama set in the Australian outback (1)
(1070348)
2.15 One to 5 Million. Caroline Quentin helps single
mother Vanessa move to a new flat in Wiltshire (1)
(1070348) 2.45 Take the High Road. Highlands-
based soap (1070348)
3.10 ITN News headlines (1070348) 3.15 London
Today (1070348) 3.20 The
Young Doctors. Drama series set in an Australian
city hospital (1070348)
3.50 Cartoon featuring Twenty Pie (1) (1070348) 3.55
Scooby Doo (1) (1070348) 4.00 How 2. Fun and
facts show (1) (1070348) 4.40 Spatz. Episode one
of a six-part children's comedy drama. With a guest
appearance by Richard O'Connell (1070348)
5.10 Home and Away (1). (1070348) (1070348)
5.40 Early Evening News with Dermot Murnaghan.
(1070348) (1070348)
6.00 London Tonight (1070348) and weather (1070348)
7.00 Fantastic Fantaz. Jonathan Ross presents more
strange-but-true stories. With Fiona Armstrong and
Will Lunn (1) (1070348)
7.30 Coronation Street. (1070348) (1070348)

CHANNEL 4

6.30 Heathcliff. Cal cartoon series (1070348) 6.45
Ovide. Animated (1070348)
7.00 The Big Breakfast presented by Chris Evans and
Gaby Roslin (1070348)
9.00 Saved by the Bell. American high school comedy
drama series (1070348)
9.30 Star Street. Animated adventures based on the
signs of the zodiac (1) (1070348) 9.55
Hammerman. Cartoon adventures (1) (1070348)
10.25 Puggly. Australian children's drama (1)
(1070348)
10.55 The Adventures of Tintin. Part one of *King
Otto's* (1070348) 11.20 The
Henderson Kids. Australian family drama (1)
(1070348) 11.50 Pete Smith Specialities. More
advice on the past of modern life (1070348)
12.00 High 5. Sporting achievements (1) (1070348) 12.30
Sesame Street. Pre-school learning series. The
guest is Robin Williams (1) (1070348) 1.30 Sandokan.
Cartoon adventures of a pirate prince (1) (1070348)
2.00 Film: *The Story of Alexander Graham Bell* (1939).
b/w starring Don Ameche and Lorena Young. A
biopic of the inventor of the telephone, directed by
Irving Cummings (1070348)
3.45 The Question. Animation about the uses of the
question mark (1070348)
4.00 Our Backyard. Getting on the Map. The first of a
series about ordinary people who tackle
bureaucracy in order to preserve the environment.
(1070348) (1070348)
4.30 Countdown. Richard Whiteley presents the words
and numbers game. (1070348) (1070348)
5.00 Midsomer. Animated tale of a man sent to heaven
— and back (1070348)
5.05 Film: *Ball, Book and Candle* (1958) starring
James Stewart, Kim Novak and Jack Lemmon.
Supernatural comedy about a New York publisher
who falls in love with a witch after she casts a spell
on him. Directed by Richard Quine (1070348)
7.00 Channel 4 News with Zainab Badawi and Shazna
Pekarian. (1070348) (1070348)
7.50 Party Political Comment by an SNP politician
(1070348)

CHANNEL 4

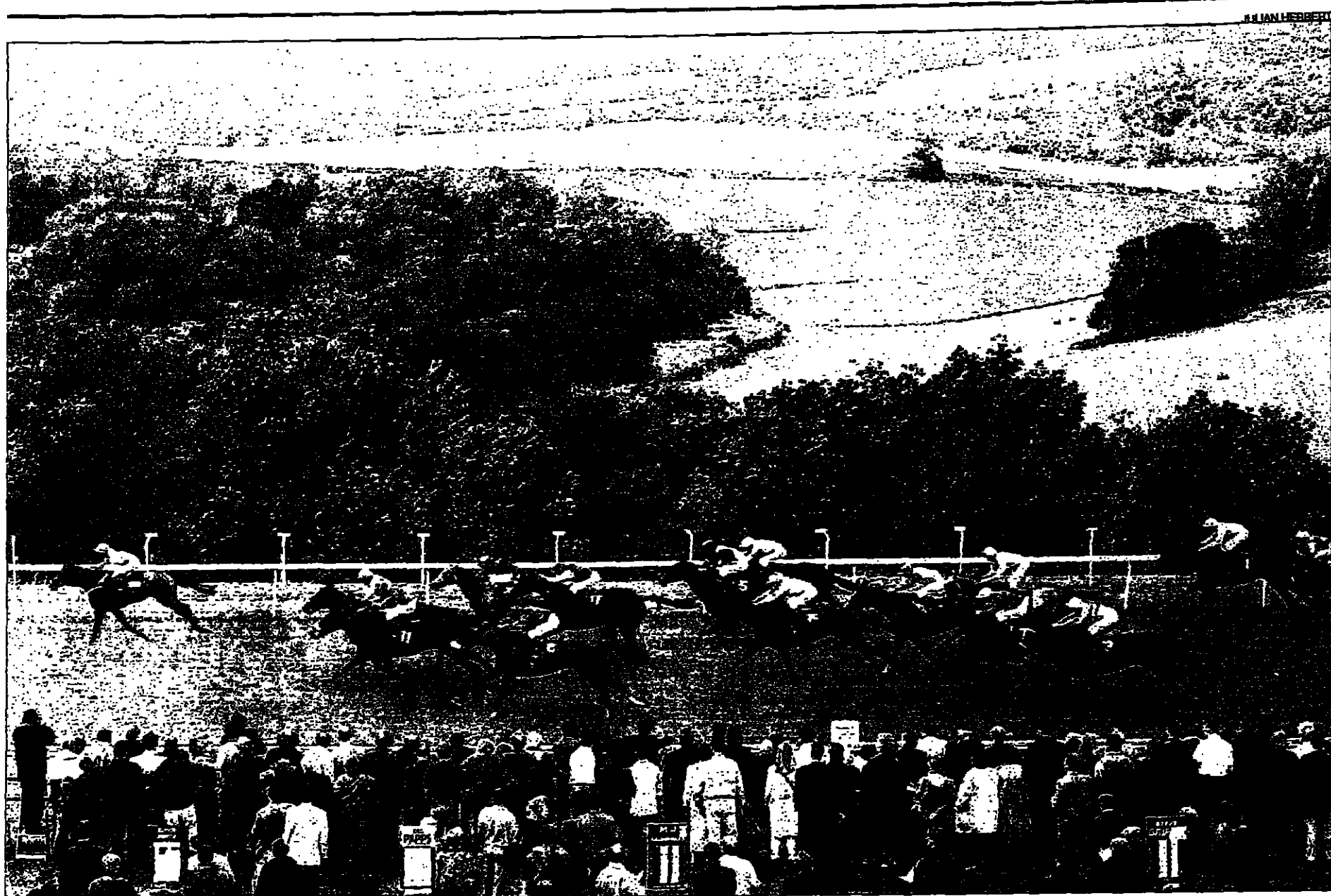
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7.50 Party Political Comment by an SNP politician
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VARIATIONS

ANGLIA

As London except 9.25am Adventures of
The Galaxy Rangers (1070348) 1.05pm
Central News (1070348) 1.15 A Country
Practice (1070348) 1.45 Home and Away
(1070348) 1.50-2.45 Gardening Time
(1070348) 3.00-3.45 Newsday. For infants (1) (1)
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WEDNESDAY JULY 28 1993



Artistic endeavour: Comanche Companion, left, ridden by Tony Garth, eases clear to win the Citroën Xantia Handicap on the first day of Glorious Goodwood yesterday

Atherton gets chairman's vote

BY ALAN LEE
CRICKET CORRESPONDENT

TED Dexter expects to name the new England cricket captain today, following a meeting that promised to be a prolonged test of entrenched personal views. It will almost certainly come down to a choice between Michael Atherton and Alec Stewart, but as the five members of the England committee convened in London last night, not one of them could feel confident of the outcome.

At least one influential voice on the committee needs to concede ground before a successor to Graham Gooch can be named. If, as the present mood indicates, the majority choice is Atherton, it will be the team manager, Keith Fletcher, who has long be-

lieved that Mike Gatting should return to lead the side when Gooch stood down, who has to compromise. In this, he will find widespread opinion against him on the grounds that Gatting discredited the job through his own, and his team's, conduct in the latter months of his previous period in charge.

Yesterday, Gatting admitted he did not expect to be nominated. "I don't think I have a realistic chance," he said, when interviewed on BBC radio. "The sensible way would be to appoint Stewart or Atherton for the final two Tests against Australia. If all else fails, they might fall back on me for the West Indies in the winter."

The bookmakers agree. Sporting Index yesterday extended the odds against

Gatting from 7-2 to 6-1 and made Atherton their 5-4 favourite, following "several serious, thousand-pound bets" at 2-1. Ladbrokes declined to open a book on the basis that too many people regarded Atherton as a certainty.

He is far from that, even now. Stewart can profit from the continuity theory, for his appointment would undoubtedly perpetuate the Gooch era more faithfully than the choice of a free spirit such as Atherton. Fletcher, if stymied on Gatting, might appreciate that the previous team manager, Alec's father, Micky, was also at the meeting with a vote.

The strongest support for Atherton was likely to come from the chair. Dexter happened to attend the same university, Cambridge, albeit a generation earlier than Ath-

erton, but he evidently sees in him something that may be missing from the other contenders, a "thoughtful articulacy and the ability to encourage individuals while being very much his own man."

An indication of Dexter's thinking came in this recent comment: "Captaincy is often a matter of cometh the hour, cometh the man. It can sometimes look as if there is no one suitable around but the job gives certain people a presence that may not have been suspected."

Dexter had the familiar experience of finding his own position under fire yesterday after spurious stories that he was playing golf while England lost the Fourth Test and Gooch stood down. For the record, he was not. Dexter

attended the first three days of the game, his customary pattern, and watched the end of it on television from his London office before conferring at length with Alan Smith, chief executive of the Test and County Cricket Board.

It is helpful to nobody that Dexter constantly has to justify his actions, but he repeated his intention to see his contract through to its conclusion next March. He will inevitably have to face some forceful questioning from the county chairmen on the state of the national team at the August meeting of the TCCB, but he has done so before and survived.

Dexter has, at least, acted swiftly to gather his committee around him for the captaincy decision, an issue that will breed ever more fanciful spec-

ulation the longer it is allowed to fester. Whoever the new man may be, though, he starts with yet another setback to overcome following yesterday's news that Martin McCague is likely to miss the rest of the season after sustaining a stress fracture of the back when bowling at Headingley.

McCague bowled with sufficient hostility at Trent Bridge, on his Test debut, to suggest he could be an effective leader of the attack in the Caribbean this winter. That, too, is now a receding prospect, quite typical of the ill-fortune with bowlers that dogged Gooch throughout his time as England captain. The man at the top may change; the problems remain the same.

Leading article, page 15

Sussex given victory chance by sacrificial Lamb

BY ALAN LEE

SCOREBOARD

SUSSEX
1st Innings: 145 (20 overs)
2nd Innings: 145 (20 overs)
3rd Innings: 145 (20 overs)
4th Innings: 145 (20 overs)
5th Innings: 145 (20 overs)
6th Innings: 145 (20 overs)
7th Innings: 145 (20 overs)
8th Innings: 145 (20 overs)
9th Innings: 145 (20 overs)
10th Innings: 145 (20 overs)

NORTHAMPTON (Northamptonshire won toss) Northamptonshire, with seven wickets in hand, need 85 runs from 20 overs to beat Sussex.

SUSSEX's one-day cricket this summer has lurched between the brilliant and the bizarre. Yesterday, they managed both in a single game, several times undermining a position to eliminate the NatWest Trophy holders, Northamptonshire. In a turbulent quarter-final, which was adjourned at 7.45pm when the light closed in and the outcome was uncertain.

The longer the tie continued into the evening, following an early delay of 105 minutes, the more Sussex suffered for their carelessness. Three run-outs in their own innings included the crushing loss of Alan Wells, when apparently in control. Then, having taken two wickets for 26 at the start of Northamptonshire's reply, they did

the unforgivable by dropping Allan Lamb third ball.

The anguish of every Sussex player was visible as David Smith split a straightforward slip catch off Franklin Stephenson. Lamb, on nought at the time, remains too good at this level to be permitted such a liberty. He made a century in the previous round to secure an unlikely win over Essex now, on a sluggish pitch, he rode his luck and threatened a repeat.

Fluency was not easy, for this was not an ideal surface for a one-day game, but Lamb negotiated a familiarly skittish start and began to punish the more mundane of Sussex's bowling in that pugilistic way of his. With Nigel Felton as an accumulative partner, 112 were added in 26 overs before Lamb fell in farcical fashion.

Turning to take a second run for a drive to extra-cover, he found Felton determinedly turning his back on him. As Lamb turned to scuttle back, he was

beaten by a brilliant throw from Ian Salisbury. Two overs later, with Northamptonshire 146 for three after 40 overs, the offer of bad light was gratefully accepted.

Sussex's aspirations at limited-overs level have frequently been dashed by calamities when cool heads were required. This was their second quarter-final of the summer and at least they made a better first of this one than against Lancashire in the Benson and Hedges Cup.

Smith and Bill Athey had put on 248 for the first wicket in Sussex's second-round win over Hampshire and here, though less spectacular, they laid a firm platform with 88 from 27 overs before Athey, making room against Nick Cook, was routinely stumped.

The day's sparkiest batting came from Martin Speight, whose 34 from 26 balls included strokes so inventive that Lamb was obliged to bring back Curtly Ambrose, who had bowled six initial overs for six runs, far earlier

than he would have liked. One over was enough and, with Speight's fall at 135, the Sussex subsidence was under way.

Ambrose had one more critical contribution to make. Alan Wells trifled with his arm from long leg, turning for a non-existent second run. Sent back too late, the Sussex captain ended in an undignified sprawl, which about summed up the way his team's innings was proceeding.

Peter Moores, a resourceful man to milk the closing overs, ensured a competitive score, but it should have been so much more. Even 230, however, began to look ample when Fordham was bowled by one from Giddins which kept low and Bailey was caught behind off an exuberant Stephenson, fired up as in his heyday and distraught at what was to follow. Lamb's wicket might have been the catalyst for a famous victory. Sussex had a gloomy idea what it meant to have dropped him.

Lewis conveys confidence as countdown commences

BY ANDREW LONGMORE

THE fastest body in the world will arrive in Gateshead just 24 hours before blast-off on Friday evening but at least we had the voice yesterday. Carl Lewis live from Houston, or at least as live as a dodgy transatlantic telephone link would allow.

The voice, when not disembodied by gremlins, sounded full of confidence, too, as the world champion contemplated his dream match with the Olympic champion, Linford Christie, which will earn each man \$100,000 in non-performance related pay. "I believe I'm in as good a shape as I've ever been," Lewis said yesterday. "The same as in 1991." The year he won the third of his world championship titles in Tokyo in the fastest 100 metres of all time.

Nobody is seriously expecting similar statistical fireworks in Gateshead but, after a year of posturing, in which China, Birmingham, Las Vegas and Lille were all considered and then rejected as venues, the issue is not records but pride, money and the marking out of territory prior to the more important matter of the world championships in Stuttgart.

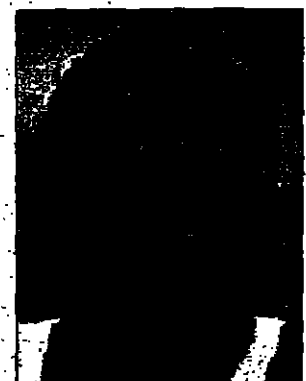
"When athletes like myself and Linford run against each other, it is important to a degree," Lewis said. "You acquire confidence from winning, wherever and whenever it is. I expect to run very well, and I'm sure I can go under ten seconds, but it doesn't mean that whoever wins in Gateshead will win in Stuttgart."

If Christie is the victor — and history suggests that the earlier he catches Lewis the better his chance — the head-to-head record will stand at 12-2 to Lewis going into the world championships, provided the pair do not dilute the rivalry by meeting again on August 4 in Zurich, where Lewis has been commissioned to run the 100 metres.

Lewis ducked suggestions that this was an old and bitter score he had to settle with Christie, though it was possible to read a touch of disdain between the lines. "Linford is a great sprinter and he's been very consistent now for six or seven years," he

said. "But I try not to carry rivalries away from the tracks. I should have been in the Olympic final but I'm happy he won it and I don't want a war of words." Given Christie's economy with words, that would be a foregone conclusion anyway.

But does his late arrival in the North-East suggest that he is taking the race rather less seriously than he should? "No, I'm serious about every race. It's better I come over at the last minute because I generally feel better on the day. Jet lag sets in after two or



Lewis: great expectations

three days." More significant perhaps was the drop in temperature between Houston and Gateshead. "It's been in the nineties every day here and it isn't as easy to run in the cold. But I've done it before. Mother Nature is a lot more powerful than I am and I just have to deal with that."

Whatever the result of the Christie v Lewis encounter, the announcement of the full field for the 100 metres ensured there would be no repeat of the embarrassment in 1985 when Zola Budd could finish only fourth in her lucrative "revenge" match with Mary Slaney. Leroy Burrell had wanted to compete in Gateshead but was deemed too much of a threat to the main event.

Given the particular hype for the race, it is good to focus on those two athletes. Joe Douglas, Lewis's manager, said: "We don't want anyone else winning for the sake of sponsors, television and the promoters. The race everyone wants to see is between Christie and Lewis."

The power of Pavarotti.
The body of Dame Kiri.

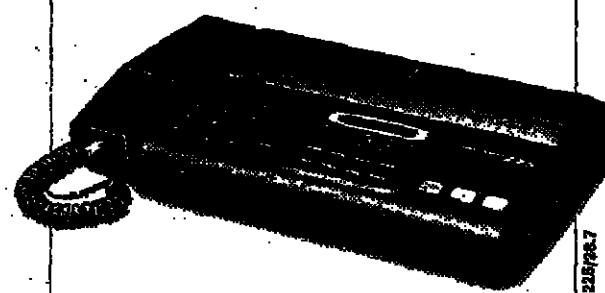
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Chess sponsors from London have laid great stress on creating events specifically to give young players international practice. This position is from the game Halliman - Watson, Watson, Farley & Williams/City of London Corporation Chess Challenge 1991. White has sacrificed two pawns for a dangerous attack. He can now conclude with a quiet move. Can you see it?

Solution on page 38
Championship Chess, page 7

By Philip Howard

DIABETERIAL
a. Slanderous
b. To do with crossing
c. Argumentative

EMBAY
a. To plunge or bathe
b. An M-shaped bay
c. A Persian governor

PUBBLE
a. Plump, fat
b. A kind of slate roof
c. To gossip

ROSEOLA
a. A miniature rose
b. Spots
c. The afterglow of sunset

Answers on page 38